THE MADRAS

MONTHLY JOURNAL.

PART THE SECOND.

VOL. VII. • FOR DECEMBER, 1808. N°. VII.

FEW contrivances have been found more effectual toward correcting the foibles and lighter vices of Mankind, or better calculated to diffuse a taste for literature and refinement, than the periodical publication of short Essays.—To every one, whatever may be his rank, some portion of *leisure* is alloted; and it is of infinite importance to the Happiness and Prosperity of SOCIETY that that leisure be *properly employed.*

DRAKE'S LIFE OF STEELE.

THE CONTENTS.

ORIGINAL COMMUNICATIONS AND SELECTIONS.

Of Russell, Sidney, and their Associates, Page 799
Knowledge in Women, 808
Democritus and Heraclitus, *ibid.*
Mary, Queen of Scots, and Marie Antoinette, 809
Local Attachment, 813
Fashion and Taste, 814
Selima and Zoroaster, Page. 815
From a Collection of the Oldest Plays, 822
On Laughing, 825
Half, 826
The Butterfly's Ball, and the Grasshopper's Feast, *ibid.*
The Grumbler's Petition, 827

DOMESTIC INDIAN OCCURRENCES.

Sir George and Lady Barlow's Card of Invitation, 831
Monument to the memory of the late Rev. Archde. Leslie, A. M. *ibid.*
Ship-wreck—Loss of the Hon. Company's Ship Travers, Captain J. Collins, 832
—Brig Catherine, Capt. Price, 859
Nautical Information—Palmers' Reef; or the existence of a Reef of Rocks off Pulo Oby, 834
Premature Death, 835
Law Intelligence.—The Honorable Sir E. Stanley's excellent Address at the opening of the 1st Session of Prince of Wales' Island, 836
The King on the prosecution of Paupiah Braminy; versus Raya Redy Row and Anunda Row, Madras Sessions, 856
Heroic conduct of Capt. C. Gibb, 849
Madras Fashionables, &c. &c. 851
Government Notifications, 852
Death of Maj. Gen. G. Wahab, *ibid*
Address of the Native Inhabitants to Lieutenant Colonel J. H. Symons, late Judge and Magistrate and Collector of Seringapatam, 853
The Colonel's Reply, 854
Important Extract, Trincomallie, 855
Civil Appointments, 856, 858
General Orders, 851, 857
Accounts from China, 858
A Meteor observed near Calcutta, 859
Captures from the Enemy, *ibid.*
Marriages, Births, & Deaths, 860 to 862

Printed and Published by William Urquhart, No. 12, Popham's Broad-way.

THE MADRAS MONTHLY JOURNAL.

PART THE SECOND.

VOL. VII. FOR DECEMBER, 1808. No. VII.

OF RUSSELL, SIDNEY, AND THEIR ASSOCIATES.

"Bring every ſweeteſt flow'r, and let me ſtrew
"The grave where RUSSELL lies, whoſe temper'd blood,
"With calmeſt cheerfulneſs for thee reſign'd,
"Stain'd the ſad annals of a giddy reign,
"Aiming at lawleſs pow'r, tho' meanly ſunk
"In looſe, inglorious luxury. With him
"His friend, the Britiſh CASSIUS, fearleſs bled;
"Of high-determin'd ſpirit, roughly brave,
"By ancient learning to th' enlighten'd love
"Of ancient freedom warm'd."

THOMSON.

As truth extorted from the lips of an unwilling evidence carries with it double force, we ſhall here introduce a Tory writer's ſketch of the moſt intereſting and affecting ſcenes in the lives of RUSSELL, SIDNEY, ESSEX, and HAMPDEN. This ſketch is taken from "Memoirs of Great Britain and Ireland," by Sir JOHN DALRYMPLE, who afterwards endeavoured to leſſen the merit of thoſe patriots, by garbled extracts from the *Cabinet of King* WILLIAM'S *private papers at Kenſington*, and from the *Depôt des affaires etrangeres at Verſailles*. But, while Sir JOHN was deſirous of obtaining the praiſe of candor and impartiality, he drew their portraits more to the life. Speaking of the ſmall band of ſteady friends, in times of the greateſt political baſeneſs and profligacy, he ſays, "it was compoſed of Lord RUSSELL, illuſtrious from the nobility of his deſcent; of HAMPDEN, deriving ſtill greater luſtre from the commoner his grandfather; of Lord ESSEX, the friend of RUSSELL; and of ALGERNON SIDNEY, who derived his blood from a long train of Engliſh nobles and heroes, and his ſentiments from the patriots, and heroes of antiquity: a man, in ſome of whoſe letters all the manly, yet tender eloquence of BRUTUS, breathes forth, and who, in firmneſs and ſimplicity of character, reſembled that firſt of Romans,

"Lord RUSSEL, though heir to the greatest fortune in the kingdom, *yet esteeming the meanest freeman to be his equal*, so disinterested that he never accepted any office of profit or power under government, was the most popular man in England. From principle and reasoning, he assumed the high tone of opposition to arbitrary power; and therefore the higher praise was due to him. When CHARLES disappointed the bill of exclusion, Lord RUSSELL said, *If my father had advised the measure, I would have been the first to impeach him.* But what he only said, ESSEX and SIDNEY would have done.

"ESSEX had been lord lieutenant of Ireland, and at the head of the treasury; but threw every honor of government behind him, because he preferred the People to the King.

"SIDNEY had been active equally in parliament, and in the field; against CHARLES I. as long as that prince was an object of terror; but when he was appointed to be one of his judges, he refused to trample upon an enemy who could no longer defend himself. He checked and prevented some attempts against the life of CHARLES II. while a youth. He opposed CROMWELL from the same hatred of arbitrary power, which had made him rebel against his sovereign. After the restoration, he submitted to a voluntary banishment during sixteen years; because he did not esteem that to be any longer his country, from which he thought liberty had fled. He returned to England, only with a view to pay the last duties to his father, the earl of LEICESTER, who was dying, and then to quit it for ever. But, drawing in with his native air that spirit of party, which scarce any Briton can resist, he altered his intention, and plunged into all the cabals of the popular leaders in parliament. He had received a pardon from CHARLES II. for his offences against government; but like BRUTUS, he thought that no obligations to himself could shake off those which he owed to his country.

"The high rank of the duke of MONMOUTH, with his still higher popularity in the nation, made these men receive him into their councils. He was at this time particularly irritated by the affronts, which had been lately put upon him.

"ESSEX introduced into the same councils Lord HOWARD, who, forgetting the nobility of his blood amidst republican notions, had sat as a commoner in one of CROMWELL's parliaments; a man against whom RUSSELL, though his near relation, had long entertained an aversion; either from an antipathy, which Nature

ſometimes gives men againſt their bane, or from the common repugnance which people of ſilent tempers have to the loquacious. But HOWARD aſſumed merit from his late ſufferings; and his continual complaints of them were accounted pledges of his ſincerity."

After delineating the characters of other aſſociates in a ſcheme of inſurrection, and giving a detail of the circumſtances which led to its failure, Sir JOHN thus proceeds in his narrative:

"Lord RUSSELL was the firſt of the great who was ordered to be ſearched for. He was taken into cuſtody by a meſſenger who had walked long before his door; whether from accident, or from the man's deſire to let him eſcape, is uncertain. He was found neither preparing for flight, nor hiding himſelf, but ſitting in his ſtudy. When brought before the council, he refuſed to anſwer any thing that might affect others: with regard to himſelf, he confeſſed ſome things with candor.***

"ESSEX was at his country houſe when he heard the fate of his friend, and could have made his eſcape; but, when preſſed to make it by thoſe around him, he anſwered, *his own life was not worth ſaving if, by drawing ſuſpicion upon lord* RUSSELL, *it could bring his life into danger.* MONMOUTH had abſconded; but actuated by the ſame generous motive with ESSEX, he ſent a meſſage to RUSSELL, when he heard he was ſeized, *that he would ſurrender himſelf, and ſhare his fate, if his doing ſo could be of uſe to him.* RUSSELL anſwered in theſe words: *It will be no advantage to me to have my friends die with me.*

"The anxiety of HOWARD, who ran every where, and to every body, denying the truth of the plot, and proteſting his innocence, drew ſuſpicion upon him. He was found hid in a chimney, covered with ſoot; a lurking-hole ſuited to its inhabitant. He ſhook, ſobbed, and fell a-crying. When brought before the king and council, he, for a while, maintained a ſilence, the effect of ſtupor, and which was at firſt miſtaken for fortitude. But when he recovered himſelf, he deſired to ſpeak in private with the king and duke; and falling on his knees to them, poured out all he knew. In conſequence of his information, ESSEX, SIDNEY, HAMPDEN, and many others were ſeized.

SIDNEY appeared before the council with ſimplicity of behaviour, diſcovering neither ſigns of guilt, nor the affectation of innocence. He refuſed to anſwer the queſtions which were put to him; and told them, if they wanted evidence againſt him, they muſt find

it from others than himself." *** Here we pass over some less important particulars, and the voluntary death inflicted on himself by ESSEX, when he saw, from his chamber in the Tower, lord RUSSELL carried by to what he reckoned certain fate,—a fate also, to which ESSEX must have felt the painful consciousness of having in some sort contributed, by forcing upon the confidence of his noble friend, lord HOWARD, now the principal informer.

" When RUSSELL came into court, he desired a delay of his trial until next day; because some of his witnesses could not arrive in town before the evening. SAWYER, the attorney-general, with an inhuman repartee, answered, *But you did not intend to grant the king the delay of one hour of saving his life*; and refused his consent to the request. RUSSELL having asked leave of the court, that notes of the evidence, for his use, might be taken by the hand of another; the attorney-general, in order to prevent him from getting the aid of counsel, told him, he might use the hand of one of his servants in writing, if he pleased. *I ask none*, answered the prisoner, *but that of the Lady who sits by me.* When the spectators at these words turned their eyes, and beheld the daughter of the virtuous SOUTHAMPTON, rising up to assist her lore in this his uttermost distress, a thrill of anguish ran through the assembly. But when in his defence he said, *There can be no rebellion* now, *as in former times, for there are* now *no great men left in England*, a pang of a different nature was felt by those who thought for the public. HOWARD was the chief witness against him. RUSSELL, respecting their common relation, heard him without signs of emotion; though, when the report of lord ESSEX's death was brought into court, and being whispered from ear to ear, at last reached his, he burst into tears. Soon after, lord HOWARD, while he pronounced the name of lord ESSEX, pretending to cry for his memory, at a time when he was, without concern, bringing death on his surviving friend, made the contrast between genuine and affected passion, virtue and dishonor, complete.

" JEFFERYS, in this speech to the jury, turned the untimely fate of ESSEX into a proof of his consciousness of the conspiracy, in which both friends had been engaged. PEMBERTON, who presided as chief justice, behaved to the prisoner with a candor and decorum seldom found in the judges of this reign, or next. RUSSELL, in the conduct of his defence, did not avow the intended insurrection, lest it might hurt his friends who remained to be tried: nor deny it, lest it should injure his own honor. *** The proof

against him was not so strong as might have been expected; yet the jury found him guilty. TREBY, the recorder, who had been deeply embarked with lord SHAFTESBURY in his schemes in the city, was mean enough, instead of throwing up his office, to pronounce sentence of death upon his associate, and even to argue against an arrest of judgment. Yet RUSSELL reproached him not, lest his reproaches might bring mischief upon others. But, when RICH, the sheriff, who had been formerly violent for the exclusion, and had now changed sides, brought him the warrant of death, he felt an inclination to say, *That they two should never vote again in the same way in the same house*; but, recollecting that RICH might feel pain from the innocent pleasantry, he checked himself.

RUSSELL, during his trial, at his death, and in a more severe test of his fortitude than either, his parting with his wife and infant children, and with his friend lord CAVENDISH, preserved the dignity of his rank and character. With a deep and noble silence; with a long and fixed look, in which respect and affection, unmingled with passion, were expressed, lord and lady RUSSELL parted for ever; he great in this last action of his life, but she the greater. His eyes followed her's while she quitted the room; and, when he lost sight of her, turning to the clergyman who attended him, he said, *The bitterness of death is now past*. The observation was just: for the fate of the survivor was more hapless, who, though she seemed to assume pride from her condition in public, lost her eyesight by continual weeping in private; and calling often for death, could never find it, until an extreme old age laid her for ever by the partner of her soul. Lord CAVENDISH offered to manage his escape by changing clothes with him in prison, and continuing at all hazards in his place. He refused, happy that he had equalled, not surpassed, his friend in generosity. Being flattered with hopes of life by some divines, if he would acknowledge to the king, that he believed subjects had, in no case whatever, a right of resistance against the throne, he answered in these words: *I can have no conception of a limited monarchy, which has not a right to defend its own limitations. My conscience will not permit me to say otherwise to the king.* * * *

" The execution was performed, not on Tower-hill, the common place of execution for men of high rank, but in Lincoln's Inn Fields, in order that the citizens might be humbled by the spectacle of their once triumphant leader, carried in his coach to death through the city; a device, which, like most others of the

kind, produced an effect contrary to what was intended. The multitude imagined they beheld virtue and liberty sitting by his side. In passing, he looked towards Southampton House: the tear started into his eye, but he instantly wiped it away. He prayed for the king; but, with a prescience of what afterwars happeared, he foretold, *That, although a cloud hung now over the nation, his death would do more service than his life could have done.* ****

" Before SIDNEY was brought to his trial, PEMBERTON was removed from the head of the King's Bench, and even from the privy council; and JEFFREY's was put in his place, in order, by the fierceness of his temper and manners, to cope with a man, the vigor of whose spirit was known throughout Europe. A jury was selected with care, and composed of men of mean degree, to ensure his condemnation. SIDNEY was then fifty-nine years of age, his hair white, and his health broken by the fatigues of his youth and the studies of his age. He at first intended to plead guilty, in order to save trouble to himself and to others; but afterwards reflecting, that it was necessary to rouse his countrymen from their indolence, to vindicate the laws by shewing them how easily these might be abused in their holiest sanctuaries, when parliaments were in disuse, he resolved to stand his trail, to which perhaps he was farther incited by that aversion from an obscure death, which is natural to the brave. By the statute of treason, two witnesses were required to convict a man of that crime: but some discourses upon government heving been found in SIDNEY's hand-writing among his papers, JEFFREYS declared from the bench to the jury, that these were sufficient in law to supply the want of a second witness, although the papers were totally unconnected with the conspiracy, and contained only sentiments of liberty worthy of LYCURGUS. The outrages against law, through the whole of this trial, throw disgrace upon the judicial records of a country, in which the life of the subject is better protected than any other upon earth.

" SIDNEY collected all the powers of his mind: not using a regular defence, but according as passion dictated or memory prompted, he urged, from time to time, every argument which the chicane of the law, or the great rules of reason and justice, suggested to a sound head, and a strong heart. The brutality of JEFFREYS he answered in sarcasms decent, but severe, or by silences which were still more poignant. The arrogance of that judge, whilst he gave false colors to the law, SIDNEY laid open, by ques-

tions which admitted of no answer, or by self evident propositions, of which all who heard could form a judgment. When they could have persuaded him to make a step in law, which he suspected was meant to hurt him, he said, with perhaps an affected, but with a touching simplicity, *I desire you will not tempt me, nor make me run on dark and slippery places : I do not see my way.*

" SIDNEY having taken advantage of a circumstance, that only passages of the writings which were produced against him were quoted, and even betraying some warmth in defence of the writings themselves. JEFFERYS hoped to draw him into an avowal that he was the author. With this view, he handed the papers to SIDNEY, and desired him to take off the force of the passages by any others in the book. SIDNEY saw the snare, but pretended not to see it. He turned over the leaves with a seemingly grave attention, and then returning them to the bench, said, *Let the man who wrote these papers reconcile what is contained in them.*

" After HOWARD's deposition was finished, SIDNEY was asked what questions he had to put to him? He turned from HOWARD, as from an object unworthy to hold converse with, or even to be looked upon, and answered with an emphatical brevity, *None* to him! But, when he came to make his defence, he raised a storm of indignation and contempt against HOWARD who had received great obligations from him, as a wretch abandoned by God and by man, profligate in his character, bankrupt in his fortune, and who owed him a debt which he meant to extinguish by his death. He mentioned in a cursory way his having saved CHARLES's life; but he spoke of it, not as a thing from which he assumed any merit, but only as the common duty of a man.

" The fate of lord RUSSELL, had been determined in two days; but SIDNEY, more obstinate, prolonged his fate in court during three weeks. Even when brought up to receive sentence of death, he repeated and insisted upon almost every plea which had been over-ruled. During the whole of his trial, he had the art, by drawing down unjust repulses upon himself, to make the odium of his crime be forgot in that which he raised against his judges and his prosecutors. WITHENS, one of the judges, gave him the lie: he seemed to disregard it as an injury done to himself only: but when JEFFERYS interrupted him, whilst he was opening a plea, he took advantage of it as an injury done to justice; and cried out, *Then, I appeal to God and the world, I am not heard*; after which he refused to defend himself any long. When sentence was

passed upon him, he made this pathetic exclamation, *Then, O God! O God! I beseech thee to sanctify these sufferings unto me, and impute not my blood to my country, nor to this city through which I am to be carried to death. Let no inquisition be made for it: but, if any shall be made, and the shedding of innocent blood must be avenged, let the weight of it fall only on those who maliciously persecute me.* JEFFERYS, starting from his seat, called out, that the prisoner's reason was affected. But SIDNEY calmly stretched out his arm, and desired JEFFERYS to feel, *if his pulse did not beat at its ordinary rate.*

"Instead of applying for mercy at the throne, SIDNEY demanded only justice; for he set forth, in a petition to the king, the injuries which had been done to the laws in his person; and, as an equal, desired to be carried to the royal presence, that he might there have an opportunity of shewing the king, how much his own interest and honor were concerned, in giving that redress which his judges had refused.

"That simplicity of behaviour, with which he had behaved at the *council board*, he converted into an air of grandeur at his *death* before the people. He went on foot with a firm step: he asked no friend to attend him; and, only for decency, borrowed two of his brother's footmen to walk behind him. He ascended the scaffold with the look, and step, and erect posture of one who came to harangue or to command, not to suffer; pleased to exhibit a pattern of imitation to his countrymen, and to teach them, that death was only painful to cowards and to the guilty. Englishmen wept not for him, as they had done for lord RUSSELL. Their pulses beat high; their hearts swelled; they felt an unusual grandeur and elevation of mind, whilst they looked upon him. He told the sheriffs who had returned a packed jury against him, *It was for their sakes, and not for his own, he reminded them, that his blood lay upon their heads.* When he was asked, if he had any thing to say to the people; he answered, *I have made my peace with God, and have nothing to say to man.* In a moment after, he said, *I am ready to die, and will give you no farther trouble*; and then hastened to the block, as if indignant of life, and impatient to die. These were the only words he spoke in public, upon account of the meanness, and still more of the affectation, of a speech on the scaffold: but he left his last thoughts behind him in writing with his friends: because these, he knew, would remain—thoughts which government was at pains to suppress, and which, for that reason, were more greedily demanded by the people.

"The paper was calculated to keep the spirit of liberty alive,

when he, who was accustomed to give it life, was laid in the dust. Instead of bestowing that pardon upon his enemies, which, in most dying men, arises from the consciousness of their needing forgiveness themselves, he treated them as if he had been immortal. He confuted the testimonies on which he had been condemned, without asserting his own innocence of the charge: he said, that, to reach him, the bench had been filled with men who were the blemishes of the bar; and he regretted death chiefly, because it had been inflicted by mean hands; striking thus at the witnesses, the judges, and the jury, all together. His own wrongs, in the course of his trial, he mingled with his country's; and he laid down the great and generous principles of political society, which, a few years after, were made the foundations of the Revolution. Instead of praying for the KING, he prayed for his COUNTRY. Instead of drawing a veil over the cause for which he suffered, he addressed his Maker as engaged in it with himself—*Bless thy people*, concluded he, *and save them. Defend thy own cause, and defend those who defend it. Stir up such as are faint; direct those who are willing; confirm those who are wavering. Grant, that, in my last moments, I may thank thee for permitting me to die for that good old cause, in which, from my youth, I have been engaged.*"

Sir JOHN adopts the very plausible opinion, that the unpopularity, which SIDNEY's trial brought upon government, saved the life of HAMPDEN, who was tried only for a misdemeanor, and fined forty thousand pounds. Of the fate of some of the subordinate agents, the immediate design of these extracts does not allow us to take any notice. But we now come to express our indignation at the cowardly attempt afterwards made by Sir JOHN to darken the lustre of those martyrs to liberty by foul insinuations, conveyed in papers unfounded in truth, and unworthy of the least credit. But the errors, misrepresentations, and malignant design of the compiler, have been fully exposed by various writers. We shall not go over the proofs of BARILLON's false intelligence in the French state papers; and as to the characters of the patriots in question, we should indeed be ashamed, after more than a century of established fame, to search for circumstances then and now in refutation of such charges. We shall only relate one very interesting anecdote of SIDNEY in particular, as a remarkable proof of his detestation of mercenary dependance:

When SIDNEY was in France, being one day hunting with the king, and mounted on a fine English horse, the form and spirit of

which caught the king's eye, he received a meſſage, that he would be pleaſed to oblige the king with his horſe at his own price. He anſwered *he did not chuſe to part with him.* The king, determined to have no denial, gave orders to tender him a ſum of money, and to ſeize the horſe; which being made known to SIDNEY, he inſtantly took a piſtol, and ſhot him dead, ſaying, *that his horſe was born a free creature, had ſerved a free man, and ſhould not be maſtered by a King of Slaves.*

KNOWLEDGE IN WOMEN.

"I SHOULD be glad to know," ſaid, angrily, a learned lady, "how knowledge is incompatible with a woman's ſituation in life. I ſhould like to be told, why chemiſtry, geography, algebra, languages, and the whole circle of arts and ſciences, are not as becoming in her as in a man."

"I do not ſay," replied a gentleman of plain ſenſe, "that they are entirely unbecoming; but, I think, a very little of them will ſerve her purpoſe. In my opinion, a woman's knowledge of chemiſtry ſhould extend no farther than to the melting of butter; her geography to a thorough acquaintance with every hole and corner in the houſe; her algebra to keeping a correct account of the expences of the family; and, as for tongues, heaven knows that one is enough in all conſcience, and the leſs uſe ſhe makes of that the better."

DEMOCRITUS AND HERACLITUS.

THERE are breathing caricatures as well as painted ones. There are living caricatures of every deſcription, ſo that, if *Heraclitus* were now alive, he would have more cauſe to weep for human kind than ever; and were *Democritus* ſtill in exiſtence, he, alſo, would have more reaſon than heretofore to laugh and indulge his ſpleen. The wiſeſt of theſe two philoſophers was, in my opinion, the laſt. *Democritus,* who was always laughing, lived one hundred and nine years. *Heraclitus,* who never ceaſed crying, only ſixty. Laughing then is beſt; and to laugh at one another is perfectly juſtifiable, ſince we are told that the gods themſelves, though they made us as they pleaſed, cannot help laughing at us.

MARY, QUEEN OF SCOTS, AND MARIE ANTOINETTE.

THE laſt queſtion, of a political nature, which was diſcuſſed in any of the *Debating Societies* before their diſcontinuance, turned upon a ſingle point of inquiry, which of thoſe two unfortunate characters had the juſter claim to our pity. MARY's portrait has been thus drawn by Dr. STUART:

"Such," ſays this conciſe, ſpirited, and energetic writer, after deſcribing the queen's execution, "ſuch was the melancholy fate of MARY STUART, queen of Scots, in the forty-fifth year of her age. Her abilities were an honor to her birth, which was moſt illuſtrious. Her virtues were great; her misfortunes greater. While ſhe was capable of profound views, and a bold policy, ſhe was firm and ſtrenuous. Her underſtanding was clear, her judgment penetrating, her ſpirit lofty, her application vigorous. But ſhe was called to the exerciſe of royalty in an unhappy and moſt critical period. The troubles of the Reformation had confirmed the turbulence of her nobles; and ſhe had been accuſtomed to the orderly government, and the refined and ſeducing manners of France. The zeal of her people for the new opinions was moſt paſſionate; and ſhe was attached to the ancient religion with a keenneſs that excited their fears. Her prime miniſters, though able and popular, were deſtitute of integrity and patriotiſm; and a conſpiracy to diſturb her peace, and to accompliſh her ruin, was formed early by an imperious rival, who to exorbitant power and immenſe wealth, added the ſingular felicity of being directed by ſtateſmen devoted to her purpoſes, and poſſeſſed of the greateſt talents. With the happieſt intentions, with public ſpirit and the love of juſtice, with moderation, liberality, and ſplendor, ſhe attained not the praiſe of true glory. Circumvented by the treachery of ſmiling and corrupted councellors, and expoſed to the unceaſing hatred and ſuſpicions of turbulent eccleſiaſtics, ſhe perpetually experienced the miſeries of diſappointment, and the malignity of detraction. With great capacity for buſineſs, ſhe was unſucceſsful in affairs. Infinitely amiable in her private deportment, ſhe enjoyed not tranquility and happineſs. She was candid and open; engaging and generous. Her manners were gentle, her temper chearful, her converſations eaſy and flowing, her wit polite, her information various, her taſte elegant. But her huſbands,

like her courtiers, were eager to interrupt her prosperity and enjoyments; and while her administration was deformed with disasters and faction, her domestic life was embittered with disquietudes and sorrow.

With every claim to felicity, she was exposed to all the crosses of fortune; and her form which gave a splendor to her rank, her abilities, her virtues, and her accomplishments, served to ennoble her afflictions. The incomparable beauty and expression of her countenance, the exquisite propriety of her stature, and the exact symmetry of her shape, attracted and fixed the admiration of every beholder. In her air, her walk, her gesture, she mingled majesty and grace. Her eyes, which were of a dark grey, spoke the situations and sensibility of her mind; the sound of her voice was melodious and affecting; and her hair, which was black, improved the brightness of her complexion. To give the greatest lustre to her person, she took a full advantage of the adventitious aids and garniture of dress. She discovered an inexhaustible fancy in the richness and variety of her garments. She delighted in jewels and precious stones; and she was anxiously curious in the fineness and fashion of her linen. But while her mind and her person were so perfect and so alluring, she was not exempted from frailties.

Though capable of dissimulation, and acquainted with the arts of management and address, she did not sufficiently accommodate herself to the manners of her people. Her respect for her religion was too fond and doating, to consist with the policy and the dignity of a great sovereign. In her counsellors she uniformly reposed too unbounded a confidence; and from the softness of her nature, she could be seduced to give them her trust, even after their demeanor was equivocal and suspicious. Her clemency was not guided by prudence, and was generally repaid with ingratitude and insult. To the protestant clergy, whose insolence was inordinate and seditious, she conducted herself, sometimes with a passion that was unbecoming, and sometimes with a remissness that detracted from her consequence. A determined contempt, or a vigorous severity, would have suited better with her royal condition. She received her impressions with too much vivacity; and from the delicacy of her organization, she was disposed to that spirit of caprice, which is in some measure characteristic of her sex; but which, though often pleasant and even delightful in the still and endearing intercourse of private life, betrays in public concerns

the ſuſpicion of inconſtancy and indiſcretion. Her faults, however, were the reſult of amiable weakneſſes; and they excite regret rather than indignation. The moſt unpardonable error of her life was the romantic imprudence with which ſhe ventured into England, and entruſted herſelf to the power of ELIZABETH.

By courage and perſeverance ſhe might have defeated the turbulence and ambition of her nobles; and experience and time would have opened up to her all the arts of government. But by this fatal ſtep ſhe involved herſelf in difficulties which ſhe was never able to ſurmount. ELIZABETH, to whom her abilities and beauty were a ſource of the moſt unrelenting jealouſy and anger, embraced with a ferocious ardor the opportunity of humbling her completely as a queen, and as a woman. She was expoſed to all the practices of a cunning and a wicked vengeance. The vileſt calumnies, the moſt inſulting mortifications, the moſt ſtudied barbarities were employed againſt her. She was made to exchange a kingdom for a priſon; and while ſhe felt in her own perſon the crueleſt injuries, ſhe was afflicted with the dangers that threatened her country and her ſon. An inclement and ſuſpicious adverſary, who dreaded to encounter her when at liberty, tarniſhed the glory of an illuſtrious reign, by trampling upon her ſceptre while ſhe was a captive.

The rivalſhip of beauty, ſtill more perhaps than of talents, foſtered the reſentment of ELIZABETH; and while ſhe made MARY to ſuffer under her power, ſhe found the moſt exquiſite delight in overturning the dominion of her charms. It pleaſed her in the greateſt degree, that the beauty of the Scottiſh princeſs ſhould waſte itſelf in ſolitude; that ſhe ſhould be kept at a diſtance from admiration and homage; and that ſhe ſhould never experience, in any fortunate alliance, the melting tenderneſs, and the delicate ſenſibilities of connubial love. During the long period which paſſed from the flight of MARY into England till her death, her miſeries were intenſe, piercing, and uninterrupted. The bitter cup of her fortune which often overflowed, never ceaſed to be full. But though agonizing with conſtant afflictions, and though crowned with thorns, ſhe ſtill remembered that ſhe was a queen, and maintained the elevation and the dignity which became her.

To overwhelm her with diſtreſs and anguiſh, ELIZABETH ſcrupled not to inſult and to violate the moſt eſtabliſhed principles of law and juſtice, the honor of hoſpitality, the reverence of her ſex, the holineſs of religion, the ſolemnity of en-

gagements, the ties of relation, the feelings of humanity, the sanctify of innocence, and the majesty of kings. But no insolence of tyranny, no refinement of anger, and no pang of woe; could conquer or destroy her greatness and her fortitude. Her mind, which grew in its powers under struggles and calamity, seemed even to take a strain of vigor from the odious passions of her rival; and during her lamentable captivity, and in her dying scene, she displayed a magnanimity and a heroism that perhaps may have been equalled, but which has never been surpassed in any age or any nation."

Here we see a finely-woven veil drawn over the frailties of the Scottish queen, and all her claims to admiration and pity heightened by the most exquisite touches of descriptive and pathetic eloquence. But, though we find it difficult to coincide with Dr. STUART in every circumstance of his exculpation of MARY, yet the historical evidence which he has brought forward, the acuteness of his reflections, and the force of his arguments, tend greatly to diminish the unfavorable opinion of her character which we had before entertained. We wish we could say the same thing of Mr. BURKE's portrait of MARIE ANTOINETTE.—It is a mere *fancy-picture*—not a single stroke taken from the life—but the whole created by his own romantic and luxuriant imagination. While drawing it, he seems never to have considered, that in history and biography nothing can be deemed beautiful but truth—"*Rien n'est beau que le vrai*"—Instead of his enchanting vision, we must therefore introduce a reality, copied from Nature by the faithful pen of Mr. BELSHAM, who thus describes the queen of France's last scene with equal force and brevity:

"Scarcely had the savage and brutal faction of the Jacobins acquired a complete ascendency, than MARIE ANTOINETTE, late queen of France, was removed from the Temple to the common prison of the Conciergerie, where she remained till she was brought before the Revolutionary Tribunal on the fifteenth of October, 1793. The main charge against her, under a variety of heads, was founded upon her continued and diversified attempts to effect a counter-revolution. A remarkable and very characteristic circumstance was stated in one of the articles of accusation, "that on the tenth of August, 1792, the day of the attack upon the castle of the Tuilleries, she kept the Swiss guards in a state of intoxication; and presenting the king with a pistol, she said,

This is the moment to shew yourself; on his refusal, calling him Coward!—After an hour's consultation, the jury brought her in guilty of all the charges. The queen, on hearing the verdict pronounced, fixed her eyes stedfastly on the ground, from which she never was observed to raise them more. The fortitude and dignity, with which she conducted herself on her trial, did not forsake her to the last.

In her degraded and forlorn estate she might indeed consider death less as a punishment than as a release; and, on the day following, she expiated her errors and frailties, whatever they might be, with calm resignation on the public scaffold, and in the same spot where Lewis XVI. had previously suffered.

This unhappy princess, whose faults are absorbed in pity for her fate, possessed in the most critical situations, great firmness of resolution, not a single particle of which could she by any effort infuse into the mind of the king, her husband: but she was equally destitute of those intellectual talents which command respect, as of the softer virtues, more appropriate to her sex, which conciliate and engage affection."

LOCAL ATTACHMENT.

There is a silent chronicle of past hours in the inanimate things, amidst which they have been spent, that gives us back the affections, the regrets of our former days, that gives back their joys without tumult, their griefs without poignancy, and produces equally from both, a pensive pleasure, which men, who have retired from the world, or whom particular circumstances have somewhat estranged from it, will be peculiarly fond of indulging. There is a certain attachment to place and things, by which the town, the house, the room, in which we live, have a powerful influence over us. He must be a very dull, or a very dissipated man, who, after a month's absence, can open his own door without emotion, even though he has no relation or friend to welcome him within*. It has been observed, that this attachment to inanimate objects discovering itself in a sort of silent converse with an old accustomed chair, for instance, or bed, or any other piece of furniture, to which we have been long used, is characteristically *British*.

* These feelings will be easily understood by those in whom the business or the pleasure of the world has not extinguished sensibility.

FASHION AND TASTE.

As these contending, and almost equally acknowledged, powers are frequently consulted by the fairest votaries of vanity and pleasure, I shall, for the instruction of the lovely and *rational* part of the attractive sex, endeavour to describe their different attributes.

Fashion is the offspring of caprice, and of a fantastic appearance. Its nurse was the camelion; air-nourished, and perpetually changing. Cherished into strength, it sought the busy scenes of gallantry and fancy. Its first resting place was amidst the false ringlets of a *Galic* coquet. For a time it presided among the Athenian women, laughing philosophy to scorn. Sometimes it visited the temples of Roman gallantry, while Roman hardihood bowed before its altar. It has been known to rule the destiny of Gallic monarchs; to revet in the huge ruff and stiffened deformity of the vain English Elizabeth; and it even stamped the passport to preferment, during the reign of the second Charles, in the then licentious court of Britain!

Fashion patronised the savage Hottentots in their disgusting decorations; cramped the fine feet of the Chinese; and revelled in the shadow of their half-closed eye-lids. Fashion commended the prime coquets of Vandyke, and the voluptuous forms, the languishing eyes of the *canvas breathing sensualist*, Sir Peter Leley. Fashion is decked with flowers, feathers, tinsels, jewels, beads, and all the garish profusion of degenerated fancy. It makes idiots of its votaries; and yet we sometimes see the wisest governed by its influence.

Taste is a mild, a beautious female, of Grecian extraction, simply but elegantly adorned. Her brows are crowned with a profusion of Heaven's gifts; and her flight never extends beyonds the boundaries of nature. It was originally her office to fold the drapery of her native vestments, and to braid the glossy tresses of Circassian virgins; she presided over the poetry of Sappho; she assisted in the sculpture of the Medicean Venus; gave the warm glow to the pencil of Claude de Lorraine; grouped the figures of a Michael Angelo; and blended the colours which immortalized the breathing pencil of Titian. It was hers to illumine the mind of the British Reynolds; as it will be her office to consecrate his memory. Taste, though deprived of the power she once held over the minds of enlightened morals, still asserts her empire in the thoughts and manners of the discriminating few.

SELIMA AND ZOROASTER.

In order to shew that a *long story*, were we merely *to count the words*, may be rendered very interesting by many other qualities besides wit and pleasantry, we shall take one from the Travels of CYRUS by the *Chevalier* RAMSAY; and we hope that modern novel-writers will not be offended at our proposing it to them as a model. We beg leave to explain the subject by a few introductory circumstances.

THE prince and princess of Persia went to see a famous school of philosophers, or *Magi*, as they were called, which had been lately settled on the borders of the Persian gulf. Though the love of truth was the only bond of society among these sages, yet they had a superior; and the person, who then enjoyed that honor, was named ZOROASTER. He conducted his royal visitants to a myrtle bower, in the midst of which was the statue of a woman which he had carved with his own hands. Here, on a seat of green turf, the philosopher gave them an entertaining account of the life, manners, and virtues of the *Magi*. While he was speaking, he often turned his eyes towards the statue; and, at every glance, they were bathed in tears. The princess could not forbear inquiring into the cause. "That," said he, is the statue of SELIMA, who once loved me, as you now love the prince. In spite of wisdom, which makes me resigned to the will of the Gods;—in spite of the pleasures I taste in the study of nature;—and notwithstanding my total insensibility to all human grandeur;—the remembrance of SELIMA often renews my sorrows and my tears. True virtue, though it regulates the passions, does not extinguish tender sentiments." These words raised the curiosity of the prince and princess to know SELIMA's history, which the philosopher perceiving, he anticipated their request, and thus began his narration.

"I am not afraid to shew you all my weakness; but I should beg to be excused from telling this story, if I did not foresee the likelihood of its proving an important lesson to you I am by birth a prince: my father was sovereign of a small territory in the Indies, which is called the country of the *Sophites*. Having once lost my way, when hunting, I met, in the thick covert of a wood, a young woman, who was reposing herself there. Her beauty, at the very first glance, struck me with astonishment—I became motionless—I dared not approach her—I imagined her to be one

of thofe aerial-fpirits, that fometimes come down from the throne of OROMAZES, to conduct fouls back to the *Empyreum*. SELIMA, for that was her name, feeing herfelf alone with a man, fled to a temple that was near the foreft.—I durft not follow; but I learned that fhe was the daughter of an old *Bramin*, and was confecrated to the worfhip of the holy fire. The *Eftals* are allowed to quit the fingle ftate and marry; but while they continue prieftefses of the fire, the law is fo fevere among the Indians, that a father would think it an act of religion to burn his daughter alive, in cafe of her lofing that virgin purity which fhe had fworn to preferve.

"My father was ftill living: I could not employ violent means to force away SELIMA from that afylum. Nay, had I been king, princes have no authority in that country over perfons confecrated to religion. All thefe difficulties ferved only to increafe my paffion, and quicken my ingenuity. I left my father's palace: —I was young—a prince—and made no ufe of my reafon. I difguifed myfelf in a female drefs,—went to the temple where the old *Bramin* lived,—deceived him by a fictitious ftory,—and was admitted among the *Eftals*, under the name of AMANA. My fudden departure was the caufe of much affliction to my father who fent in queft of me every where, but to no purpofe.

"SELIMA, not knowing my fex, conceived a particular liking and friendfhip for me. We were infeperable; and fpent our lives in working, reading, walking, and attending at the altars. I often told her affecting ftories and fables, all defcriptive of the wonderful effects of friendfhip and of love. I wifhed to prepare her by degrees for the intended avowal of my fentiments. I fometimes forgot myfelf, while fpeaking to her, and was fo far hurried away by the warmth of emotion, that fhe often ftopped me fhort, and faid, *to hear you talk*, AMANA, *one would think that you feel at this moment every thing you defcribe.*

"In this manner I lived feveral months with her, and gave her no poffible opportunity of difcovering my difguife or my paffion. As my heart was not depraved, I had no criminal defign. I thought that if I could gain her affection, fhe would quit her religious profeffion, to fhare my crown with me. I was continually waiting for a favorable moment to let her fee my heart: but that moment never came.

"It was a cuftom with the *Eftals* to go feveral times in the year to the top of a high mountain, there to kindle the facred fire,

and to offer sacrifices: We all went up thither one day, accompanied only by the old *Bramin.* The sacrifice was hardly begun, when we were surrounded by a body of men, armed with bows and arrows, who carried off SELIMA and her father. They were all on horseback: I followed them for some time: but they entered into a wood; and I lost sight of them. I did not go back to the temple—I stole away from the *Estals*—changed my dress,—assumed another disguise,—and quitted the Indies. I forgot my father, my country, every obligation; and wandered over all Asia in search of SELIMA. What cannot love do in a young heart wholly given up to that passion! One day as I was passing through Lycia, I stopped in a large forest to shelter myself from the excessive heat. I presently saw a company of hunters pass by, and soon after, several women, among whom I thought I discovered SELIMA. She was in a hunting dress, mounted upon a proud courser, and distinguished from all the rest by a coronet of flowers. She passed by so swiftly, that I could not be sure, whether my conjectures were well founded. I went directly to the capital. The Lucians were at that time governed by women; a form of government, which was established among them upon the following occasion.

"Some centuries ago, the men had become so effeminate during a long peace, that their thoughts were wholly taken up with their dress. They affected the language, the manners, the maxims, and even the foibles of women, without having either their sweetness or their delicacy. As they gave themselves up to voluptuousness and infamy, the most shameful vices took place of the amiable passions. They despised the Lycian women, and treated them like slaves. A foreign war broke out. The men, grown cowardly and effeminate, were no longer capable of defending their country: they took to flight, and hid themselves in woods and caverns. The women, inured to fatigue by a life of slavery, took up arms, repelled the enemy, made themselves mistresses of the country, and established their right of sovereignty by an unalterable law. From that time the Lycians habituated themselves to this form of government, and found it the mildest and most convenient. Their queens had always a council of old men, whose knowledge was serviceable to them. The men proposed good laws: but the executive power was in the women. The sweetness of the sex prevented all the mischiefs of tyranny; and the counsels of the wise senators tempered the levity with which women are reproached.

"I was informed that SELIMA's mother having been dethroned by the ambition of a kinswoman, her prime minister had fled to the Indies with the young princess; that he had lived there several years in the disguise of a *Bramin*, and she as an *Estal*; that this old man having always kept up a correspondence with the friends of the royal family, the young queen was restored to the throne, after the death of the usurper; that she governed with the wisdom of a person who had experienced misfortune; and lastly, that she had always expressed an invincible dislike to marriage. This news gave me inexpressible joy. I thanked the Gods for having led me by such wonderful ways near the object of my affection: I implored their help; and promised never to love but once, if they would favor my passion.

"I then resolved on various ways of making myself known to the queen, and concluding that war was the most proper, I entered into the service. There I soon distinguished myself—I shrank from no fatigue—I sought the most hazardous enterprises—I exposed myself to every danger. In a battle, on the issue of which the fate of Lycia depended, the Carians put our troops into disorder. It was in a large plain, out of which those who fled had but one way of escape through a narrow pass. In that gap I took my stand, and pointed my javelin at every desperate runaway. Thus I rallied our troops, and returned to charge the enemy: I routed them, and obtained a complete victory. This action drew upon me the attention of the whole army: nothing was spoken of but my courage: all the soldiers called me the deliverer of their country. I was introduced to the queen, who did not recollect me; we had been separated six years: grief and fatigue had altered my features. She asked me my name, my country, my family; and viewed me with earnestness. I fancied I discovered in her eyes an inward emotion, which she endeavoured to hide. Strange caprice of love! I formerly had looked upon her as an *Estal* of mean birth; yet was willing to share my crown with her. But now, in an instant, I formed a design to make her love me, as I had loved her: I therefore concealed my country and my descent. I told her I was born in a village of Bactria, and of a very obscure family. She suddenly withdrew, without making me any answer.

"Not long after, by the advice of her senators, she gave me the command of the army; thus I had free access to her person. She used to send for me very often, under pretence of business even when she had nothing to say. She took a pleasure in conversing

with me. I described to her my own sentiments in the characters of others. The Greek and Egyptian mythology, which I had learned in my travels, furnished me with matter enough to shew, that the Gods were formerly enamoured with WOMEN, and that love made all ranks equal. I remember, that, one day, while I was telling her a story of this kind, she left me in great agitation. I discovered by that her hidden sentiments; and it gave me unutterable pleasure to find that her love for me was such as I had felt for her. I had frequent conversations with her, by which her confidence in me increased every day. I sometimes made her call to mind the misfortunes of her early youth; and she then gave me an account of her living among the *Essals*, her friendship for AMANA, and their mutual affection. I could hardly contain myself on these occasions: I was often on the point of throwing off my disguise: but false delicacy required that SELIMA should do for me, what I had been willing to do for her. All my wishes were soon satisfied: an extraordinary event gave me an opportunity of experiencing the full force and extent of her love.

" According to the laws of Lycia, the person who governs is not allowed to mary a foreigner. SELIMA sent for me one day, and said to me, *My subjects wish me to take a husband: go, and tell them from me, that I will consent, provided they leave me free in my choice.* She uttered these words with an air of majesty, and almost without looking at me. At first I trembled, than flattered myself, but fell into doubt at last; for I knew the strong attachment of the Lycians to their laws. I went, however, to execute the orders I had received. The council was assembled: I laid before them the queen's pleasure: after long debates, they agreed, that she should be left at liberty to choose herself a husband. On my reporting to her the result of their deliberations, she directed me to muster the whole army in the plain where I had gained the victory over the Carians, and there to hold myself ready to obey her further orders. She likewise commanded all the principal men of the nation to repair to the same place. A magnificent throne having been erected for the purpose, the queen appeared upon it, surrounded by her courtiers, and made the following speech:

" People of Lycia! ever since I began my reign, I have strictly
" observed your laws: I have appeared at the head of your ar-
" mies: I have gained several victories: my only study has been
" to make you free and happy. Is it just that she, who has
" preserved your liberties, should be herself a slave? Is it fair

"that she, who continually seeks your happiness, should be her-"self miserable? There is no misery equal to that of doing "violence to one's own heart: when this is under any con-"straint, royalty and grandeur serve only to give us a quicker "sense of our slavery. I therefore claim the right of being free "in my choice."

"The whole assembly applauded the wisdom of this speech, and cried out, *You are free: you are dispensed from the law.* The queen sent me orders to advance at the head of the troops. As soon as I was come near the throne, she rose up, and pointing to me with her hand, *There,* said she, *is my husband: he is a foreigner; but his services make him the father of the country: he is not a prince; but his merit puts him upon a level with kings.* SELIMA then ordered me to ascend the throne: I prostrated myself at her feet: I took the usual oaths: I promised to renounce my native country for ever; to look upon the Lycians as my children; and, above all, never to love any other than the queen. She then came down from her throne; and we were conducted back to the capital in great pomp, amidst the acclamations of the people.

"As soon as we were left alone, *Ah!* SELIMA, said I, *have you then forgot* AMANA? Surprise, joy, affection excited in the queen the most lively transports. She instantly recollected me, and guessed all the rest. I had no occasion to say a word: we both remained a long time silent: I then made her acquainted with my adventures, with my family, and all the effects that love had produced in me. She immediately assembled her council, and made my birth known. Ambassadors were sent to the Indies: I renounced my crown for ever; and my brother was confirmed in the possession of my throne. It was to me an easy sacrifice: SELIMA was now mine; and I wanted nothing more to complete my happiness.

"But, alas! this happiness was of short continuance.—In giving myself up to the impulses of love, I forgot my country: I had forsaken a father whose only confort I was: I had disregarded every duty. My love, which seemed so delicate, so disinterested, and so much the admiration of men, was not approved by the Gods. They accordingly punished me for it by the greatest of all misfortunes:—they took SELIMA from me: she died soon after our marriage. I gave myself up to the most poignant grief: but the Gods did not abandon me. I entered deeply into myself: wisdom came down, and took possession of my heart: she opened the

eyes of my underſtanding; and I then comprehended the admirable myſtery of the conduct of OROMAZES. Virtue is often unfortunate: this ſhocks the ideas of nearſighted men: they know not, that the tranſient ſufferings of this life are deſigned by the Gods to expiate the ſecret faults of thoſe who appear to be the moſt virtuous.

"Theſe reflections determined me to conſecrate the reſt of my days to the ſtudy of wiſdom. SELIMA was dead: my bonds were broken: I was no longer tied to any thing in nature; the whole earth appeared to me a deſert: I could not reign in Lycia after the death of SELIMA; and I would not remain in a country where every thing inceſſantly renewed the remembrance of my loſs. I returned to the Indies, and went to live among the *Bramins*, where I formed a new plan of happineſs. Being now free from that ſlavery which always accompanies grandeur, I eſtabliſhed within myſelf an empire over my paſſions and deſires, more glorious and ſatisfactory than all the falſe luſtre of a crown. But, notwithſtanding my retirement, and the diſtance I was at, my brother had ſome jealouſy of me, leſt I ſhould want to mount a throne again; and I was obliged once more to quit the Indies.

"My exile proved a new ſource of happineſs to me: it depends only upon ourſelves to turn misfortune to good account. I viſited the wiſe men of Aſia: I converſed with the philoſophers of different countries. I learned their laws and their religion: I was delighted to find, that the great men of all times, and of all places, had the ſame ideas of the Divinity, and of morality. At laſt, I came hither to the banks of the Aroſis, where the *Magi* have choſen me for their head.

"Here ZOROASTER ended his ſtory: the prince and princeſs were too much affected to be able to ſpeak. After ſome moments of ſilence, the philoſopher enlarged on the happineſs, which true lovers enjoy in the *Empyreum*, when they meet again: he then concluded with theſe wiſhes.

"May you long feel the happineſs of mutual undivided love! "May the Gods preſerve you from that depravity of heart, which "makes pleaſures loſe their reliſh, when once they become law- "ful! After enjoying the tranſports of a pure and lively paſſion "in your younger days, may you experience in a more advanced "age all the charms of that union which diminiſhes the troubles "of life, and augments its bleſſings, by ſharing them! May a "long and amiable old age preſent to your enraptured view your

"grandchildren and great grandchildren multiplying the race of "heroes upon earth! May, at last, one and the same day unite "the ashes of both, to exempt you from the misfortune of bewail-"ing, like me, the loss of what you love! My only consolation "is the hope of seeing SELIMA against in the sphere of fire, the "pure element of love! Souls only form an acquaintance here "below: it is above that their union is consummated. O SELI-"MA!—SELIMA! we shall one day meet again, and our love "will be eternal. I know that, even in the regions above, your "happiness will not be complete, till I go up to share it with you. "Those, who have loved each other with a pure affection, will "feel that sentiment for ever: true love is immortal!"

FROM A COLLECTION OF THE OLDEST PLAYS.

IN the library of the late king of France, there was a manuscript entitled, *The Miracles of the Holy Virgin*; which contained forty sacred dramas in verse, that were completed in the fourteenth century. Here follows the plan of one of these pieces:

A man and a wife make a vow to live chastely and abstemiously. The devil, who then performs the part of a Merry Andrew, is naturally very much dissatisfied with this vow. It appears very strange, that man should have made the devil the father of incontinency, and yet that no one should have hit upon the fancy of giving him in hell a SERAGLIO. What elbow room would that give for the wanderings of the imagination; a fresh set of *young devils* might be *born* every year, and the old women, and the Parsons, could easily explain the cause of the encreasing corruption of the world.

But I must return again to our devil, to whom the vow caused many a headache. He considered for a long while, whether he should first make an experiment with his seductive arts on the man or the woman? as if he did not already know this from Paradise, that the woman was much easier seduced than the man, but yet he turns to the last, perhaps, because he feared the woman would not again trust him.

He succeeded. The opportunities of sinning (as it was then called) are so frequent between married people, and the husband carassed his good wife so long, till they at last both gave way against their

will. "But," said she, "if I should prove with child, then will I sacrifice my child to the devil!" The husband promised she should not prove with child, but four weeks after she actually shewed signs of pregnancy.

Out of the tenderest care which the husband, at the devil's prompting, bore to his wife, during her pregnancy, it must be concluded, that the souls of children are first breathed into them at their conception, and, as it were, stand on guard, until the child is brought to light. For were the soul created in the mother's womb, and really dwelt for nine months long there, then the devil would not have though in necessary, to save the health of the women; for the sooner she died, the earlier would he have been in the possession of his prey.

She now was attacked with the first pain. On such occasions the husband generally runs out of the house, for he is usually every where in the way, and is pushed from one corner to the other, by nurses, aunts, cousins, and midwives. Yet it is a just remark, that when the husband really is the father of the child, the woman in the straw always wishes to have him near her. If she does not express this wish, the case is doubtful.

The agonized husband fled into the church and prayed to the Holy Virgin, to grant a safe delivery to his spouse. The Holy Virgin, who well knows how much a woman in child bed requires, really gave her assistance, and a healthy child, for the first time, panted into the world. A female neighbour was sent to a priest immediately, to procure for the child, by holy baptism, a a playing place in Heaven.

"No, Madam," cries the devil, "you have not so laid your bet with me. You will be so kind as to remember your promise, and as I have no baptized pages at my infernal court, so it is impossible that this child can be christened."

The unfortunate lying-in-woman, betook herself to prayers, but in vain. The priest arrived, and would have performed his office, but Satan very artfully blinded his eyes, so that he took the christening bason for a pitcher of wine, and the child for a roasted pig. In short, all that could be obtained from the Prince of Hell, by prayers and entreaties was, that he would prolong the life of the boy for seven years, but under the express condition that he was not to be sprinked with a drop of baptism water.

The poor boy therefore remainded unbaptized, and to the asto-

nishment of all the old women, cut his teeth even as easy as other children, who had been received into the sacred covenant.

At the end of seven years my Lord Urian was announced again, who came to take possession of his property. The mother was still a beautiful woman, and the prayers of a beautiful woman even the devil cannot resist. He suffered himself again to be talked over, still granted a furlough of eight years, because he supposed, that this soul would not be able to escape his claws.

The youth grew tall and strong, as as if he had been intended for a cloister, and by no means for hell. As he entered his fifteenth year, he one day came sobbing home, and complained to his parents with bitter tears, that his playmates affronted him.

"Poor child, *how* have they abused thee?"

"They have called me a Jew and a Heathen."

"Heaven forbid!" Father and mother who knew no Jew nor Heathen could be blessed, baptized him with their tears, gave ease to their oppressed hearts, and related to him, that now the time and hour would soon arrive, when he would be received as a page in the infernal order of knighthood. The boy listened with horror, and instantly resolved to wander to Rome, to the holy father, where, if possible, he was to make for Satan X for U. His parents blessed this pious resolution, and to procure for him a fortunate journey, they made a pilgrimage to the Holy Virgin at Boulogne.

The boy arrived at Rome, enquired for the thatched cottage, in which dwelt the servant of God's servants, and was conducted to a splendid palace, whose doors were guarded by halberdiers, who denied him admittance. But he gave one of them a couple of florins, and for which they would have let in the devil himself.

The Father Pope is acknowledged to be most generous monarch upon earth. He immediately makes the boy a present of his blessing, but he is not able directly to dispute with Satan about his well gained property, but referred the supplicant to his confessor, a hermit, who, in spite of his Popish sanctity, stood in higher reputation for holiness.

The hermit exhorts the candidate of hell, to apply to the mother of God, who really has the goodness to bring the process before the heavenly tribunal. The devil appears as plaintiff, and defends his indictment, as well as it is possible for a devil to do. After reply, answer, summing up, &c. &c., God the Father at last pro-

nounces the ſentence, that the contract was null and void, becauſe the wife was not able to contract without the huſband, and becauſe in the preſent caſe, the huſband had not conſented thereto. All the angels clap their hands with approbation, and the players unite with the ſpectators, in ſinging a pious *Te Deum*, to glorify the wiſdom and grace of God.

ON LAUGHING.

Riſum teneatis ?——Hor.

HA ! ha ! he !—It is the beſt method in the world to treat every ſubject practically,—which will admit of it ; and therefore I am determined to laugh to the end of the chapter ;—and if gravity has faſt locked up your reſible muſcles, I deſire you to proceed no farther, Mr. Mrs. Maſter, or Miſs reader.—I ſhall be exceedingly happy to hear that I have made any body laugh half a minute.—Moderate laughing is the beſt medicine in the world,—and I prefer the laughing Democritus, to the weeping Heraclitus.—It is not often I am in a laughing mood,—but when the opportunity offers, I aſſure you I never let it ſlip.—There cannot poſſibly be any harm in this,—except you laugh ſo immoderately as to burſt your ſides.—To prevent that,—I adviſe every riſible ſon of Adam to keep his waiſtcoat as tight as poſſible,—and every daughter of Eve to lace her ſtays pretty cloſe.—Now for it—ha ! ha ! he ! ha ! ha ! he !—laugh, pray do laugh, ha ! ha ! he ! puſh it about, ha ! ha ! he !—Oh ! my ſides, oh ! oh !—Ha ! ha ! he !——Oh ! I ſhall die with laughing.—I'll tell you—ha ! ha ! he ! I'll tell you what I,—ha ! ha ! he !—what I laugh at.—Oh ! I can't,—ha ! ha ! he !—Oh ! I ſhall die with laughing.—Well,—that's a merry death however—ha ! ha ! he !——A gentleman on horſeback had miſſed his way,—but overtook a boy going with a quantity of ruddle to mark his maſter's ſheep.—The gentleman having aſked the road to C.——, was directed through ſo many windings and turnings, right and left, that he agreed to take the boy *en croupe*, who was going nearly to the ſame place.—Finding him pert and docile, he gave him as they rode on, ſome wholeſome advice relative to his future conduct, adding occaſionally, *Mark me well, my boy*,—Yes, Sir, ſays he, I do.—However, he repeated the injunction ſo often that the boy, at laſt, cried out, Sir, I have no more *Ruddle* —Ha ! ha ! he !—ha ! ha ! he !—laugh, don't be afraid.—Will you have another ſtory ?—Yes, ſo you ſhall.—An exciſe-

man was travelling through Sussex, after it had snowed successively for many days.—Having travelled till night, and seeing no house, nor the least appearance of any, he was obliged to rest all night upon the snow, having first spread his great coat under him to keep himself warm; and having fastened his horse to a post, as he thought, he fell asleep.—Immediately after came on a quick thaw; so that when he awoke in the morning, he found himself on the leads of Chichester cathedral, and his horse hung at the top of the steeple.

I am yours,
Ha! ha! he! ha! ha! ho!

HALF.

THERE is something in this word truly captivating; those who have known what it is to love, will not think the reflection too metaphysical. Suppose one is in want of any thing, which the other seeing, with earnestness says, *take half of mine.—Take half!* —What can convey a more endearing meaning? Giving or offering the whole, would lose all its charms; for in such case, one might be apt to imagine, that the offerer either wishes to get rid of it, or is indifferent about it.

THE BUTTERFLY'S BALL, AND THE GRASS HOPPER'S FEAST.

WRITTEN BY MR. ROSCO FOR HIS CHILDREN, AND ORDERED TO BE SET TO MUSIC BY HER MAJESTY.

COME, take up your hats, and away let us haste
To the Butterfly's ball, and the Grasshopper's feast;
The trumpeter *Gadfly* has summon'd the crew,
And the revels are now only waiting for you.

On the smooth-shaven grass, by the side of a wood,
Beneath a broad oak, which for ages had stood,
See the children of earth, and the tenants of air,
To an evening's amusement together repair.

And there came the *Beetle*, so blind and so black,
Who carried the *Emmet*, his friend, on his back;
And there came the *Gnat*, and the *Dragon-fly* too,
With all their relations, green, orange, and blue.

And there came the *Moth*, with her plumage of down,
And the *Hornet*, with jacket of yellow and brown,
Who, with him the *Wasp*, his companion, did bring,
But they promis'd, that ev'ning to lay by their sting.

Then the sly little *Dormouse* peep'd out from his hole,
And led to the feast, his blind cousin, the *Mole*;
And the *Snail*, with her horns peeping out of her shell,
Came fatigued with the distance, the length of an ell.

A mushroom the table, and on it was spread,
A water-dock leaf, which their table-cloth made.
The viands were various, to each of their taste,
And the *Bee* brought the honey, to sweeten the feast.

With steps more majestic the Snail did advance,
And he promis'd the gazers a minute to dance;
And they all laugh'd so loud, that he drew in his head,
And went, in his own little chamber, to bed.

Then, as ev'ning gave way to the shadows of night,
Their watchman, the *Glow-worm*, came out with his light:
So home let us hasten, while yet we can see,
For no watchman is waiting for you or for me!

THE GRUMBLER'S PETITION.

"GIVE me, ye Gods! a farm as snug
As woollen blanket to a bug;
I'll dance and sing, and rhyme and sleep,
To lowing cows and bleating sheep;
Carve Cynthia's name on every three;
But Cynthia's false—as false as me!
A plague consume the filthy cot;
Perish the herds—the flocks may rot!

"Give me a warehouse cramm'd with goods,
And fifty ships to plough the floods;
I'll strut and swagger, job and range,
The fiercest merchant upon 'Change.
But what is loss and gain to me?
I hate the golden rule of three:
And as for fractions, hang the breed,
They'll make a fraction of my head!
Then, curse on trade! I'll leave the stocks
To lame the legs of waddling ducks.

"How wretched is a batchelor's life!
Give me, ye Gods! a pretty wife;
As Pallas wise, as Venus fair;
Gay as the light, and chaste as air!
Ha!—now I think on't—wives have tongues,
And mine are weak, consumptive lungs!

"Then grant me an enormous wig,
And reverend coat, ten times too big;
With purple pimpled face I'll shine,
A worthy orthodox divine:
Six days and nights in riot spent,
I'll bless the seventh and repent;
Then start again on Monday morn,
Nor rest till Sabbath day return.
—No—my good grannum us'd to say,
That there will come—a judgment day!

"Well, then with lawyers I'll resort,
And, like a spectre, haunt the court;
With gown so black and wig so white,
Symbolical of wrong and right,
(For every lawyer lets his tongue
To any tenant, right or wrong;)
I'll split my wind pipe o'er a brief,
And bawl for justice and for beef:
Or spruce and gray, with back bone pliant,
Bow, smile and simper to a client;

But then, before he quits my gate O,
I'll make a man of him, if Plato
Be right in what he hath alledg'd,
That man's a two-legged thing unfledg'd!
Stay!—John Bull's Memoirs tell me—rot 'em!
That law's the pit without a bottom;
If so—heaven shield me from such evils!
Lawyers themselves must e'en be devils.

"Make me, ye Gods! a Soldier brave,
A soldier's coat fits fool or knave;
With tongue of brass and heart of delf ware,
As thousands more besides myself are;
Like Hercules, I'll mount a breach,
And murder all within my reach.
'Stop!' roars a bullet: '—— your eyes!'
Cries Hercules— and falls, and dies.

"O then, ye Gods! my next condition!
Must be the lot of a physician!
Through all the parish, who but me?
Man-midwife, surgeon, and M. D.
I'll shrug my shoulders, shake my head,
And look a purseless patient dead;
But the rich rogue, in anguish lying,
Shall lead a weary life of dying;
My conscience smites me, scripture saith,
'The end of all these things is death!'
What!—Death to Doctors?—Doctors die?
I'll be no Doctor—no, not I!

"Give an house in Grosvenor Square,
With forty thousand pounds a year;
An host of friends to wait my call,
Yet not a friend among them all:
But who would sigh for faithless friends?
A star and garter makes amends;

Titles and gewgaws are ador'd!
Heavens! what a thing to be a lord!
Then in a chariot to be wirl'd,
And kick a dust up in the world.
Hold!—carriages are apt to break,
And mine's a very brittle neck:
'Tis fun to thunder up and down,
But death to fall and crack ones crown:
Sweet is the noise of rattling stones;
But sad the crash of broken bones!

"Sick of mankind, and all their folly,
I'll yield my soul to melancholy.
Myself and I, in cordial strife,
Together live, like man and wife:
Like them, alas! we're two in one;
Flesh of each other's flesh and bone.
Alas! like them, we scold and fight;
Like them, we hate with all our might;
Like them, to mend the breach, of course,
We must determine to divorce.
Then, give me, Jove! an hermit's cell,
Where I, with apathy, may dwell;
And, like another honest ass,
Drink the clear spring and browze on grass;
From morn to night, in my retreat,
I'll eat and bray, and bray and eat.
No—who would be an Ass that can,
In any sense or shape, be Man?

"What shall I ask for then, ye Gods?
Of this world's evens and its odds:
Alike to me is odd or even,
There is no such thing on earth as heaven!
I bow content to your decrees—
Give me, O give me—WHAT YOU PLEASE!

Domestic Indian Occurrences.

DECEMBER 16—31, 1808.

SIR GEORGE and LADY BARLOW, request the honor of the Company of the Gentlemen of His Majesty's and the Honorable Company's Civil, Naval, and Military Services, at a Ball and Supper at the Government Gardens on Monday evening the 2d of January, at half past 9 o'Clock.

Government Gardens, Dec. 17, 1808.

THE LATE REV. ARCHDEACON LESLIE, A. M.

IT is a ſource of the moſt pleaſing ſatisfaction to us to record ſuch circumſtances as tend to encourage virtuous example, and, by handing down to poſterity particular inſtances of human worth and excellence, benefit our ſpecies by exhibiting it as an example for their imitation.

Within theſe few days the monument which was ſent out from England by the expreſs order of the Veſtry of Madras to commemorate the exalted worth of the late Reverend Archdeacon Leſlie, A. M. many years ſenior chaplain of Fort St. George, has been erected in the moſt conſpicuous part of the church; and we can with juſtice declare that the ſculpture has the greateſt merit, not only in the execution but in the deſign, which conveys every idea that is chaſte, elegant, and impreſſive. Piety is exhibited by a female figure, with the Holy Bible in her hand which ſhe is attentively ſtudying; under which is the following Inſcription:

The Reverend Archdeacon Leſlie, A. M. departed this life, on the 28th day of June, 1804, aged 58 years. His remains are interred in the burial ground of the pariſh, and this monument is erected by the unanimous voice of the pariſhioners of Madras, as a token of reſpect to his memory. He diſcharged the office of a miniſter, in Fort St. George, for more than 20 years, with fidelity and correctneſs, and during the whole period enjoyed the confidence and eſteem of the community at large. His gentleneſs of manners, his modeſty and humility were exemplary, and his whole deportment, ſuch as became the character of a true miniſter of the Goſpel.

SHIP-WRECK.

To the Right Hon. LORD MINTO, *Governor General &c. &c. &c.*

MY LORD, *Fort William.*

IT is with the deepest regret I have the honor to inform your Lordship, of the loss of the hon. company's extra ship *Travers*, under my command, on the 7th of November, at 5 o'clock, A. M. on a rock detached from the Sunken Island, in L. 15, 38 N. Lon. 94, 20 East, Diamond Island, bearing W. by N.—distance about 3 miles,—Sunken Island S. W. by S. distance one mile and a quarter. But I feel myself still happy in saying, the passengers, officers and ship's company, (lists of whom I have the honor to subjoin,*) with the exception of 6 Europeans, 7 Chinese, and three Lascars, were all saved, and have been received by captain Heming, of the *Earl Spencer*. The deplorable state we were all in, having nothing but the cloaths we had on, left most ample room for the display of his generosity. I now further beg leave to intrude upon your Lordship, a detail of this most melancholy catastrophe.

About ten minutes before five o'clock A. M. on the 7th of November, when in our station on the starboard quarter of the *Monarch*, with the *Earl Spencer* in company, having hove the lead and got ground in twenty fathoms, mud and fine sand, I went over to leeward, and saw breakers on the starboard beam and a-head, I immediately hauled the ship close to the wind, but unfortunately, notwithstanding our exertions to clear the reef, we struck about five A. M on a rock detached from Sunken Island, the other two ships passing considerably within hail. The cause of their escape, I believe, was from my hailing and firing guns. At this time, the mizen mast went 15 feet above the board. The ship then bilged on the starboard side; and in about 5 minutes we lost the rudder, and the stern posts gave way. Finding it impossible to get the ship off, I ordered the main foremast, and spare anchors, to be cut away, and threw over the starboard guns to ease her. I then sent an officer down to secure the packets; which I regret was impracticable as the water was level with the gun deck, part of which had given way. As it was now day break, and we clearly could distinguish the ships standing on their course, we hoisted our ensign to the stump of our mizen-mast, with the union downwards;—but not seeing that to have any effect, our only resource was

* Vide the first part of the Journal for this month, page 786.

now in our boats, which with the greatest exertions of the officers and crew, having no masts left to which we could affix tackles, we were obliged to cut the gun-wale down, to launch the long boat, and by dint of strength,—a labour which was rendered doubly difficult by the uneasy state of the ship, the sea having by this time made a complete breach over her. By seven o'clock, I had the happiness to see all the ladies, passengers, and crew, with the exception of the sixteen men mentioned, in the boats. The weather was so extremely squally and a heavy sea running, I thought it not safe to allow more than ninety-three persons in the launch, she being so extremely deep, and eighteen in the cutter; but ordered the jolly boat back, though she was also very crouded, to endeavour to bring off as many of those remaining as possible; which I am sorry to say, from their obstinacy in persisting of not coming without their baggage, the officer was unable to effect,—excepting 3. When we put off, our situation was *still more* distressing, as captain Hawes of the *Monarch*, the senior officer, followed by the *Earl Spencer*, had gone to so great a distance, that we could not discern the ships. I had in my pocket a compass: and steering W. S. W. in about an hour and a half descried them at a distance of about ten or eleven miles. The boats shipping *much water*, kept us constantly bailing, which gave me at one time much apprehension, from the severity of the weather, of our not being able to reach them. But, to our great joy, about 11 A. M. we were all safe on board the *Earl Spencer*.

I cannot close my letter without mentioning to your Lordship, the extreme good conduct of my officers and ship's company, whose behaviour throughout this disastrous and dreadful scene, was most exemplary. I must also beg leave to call your Lordship's attention to the most distressing state of myself, officers, passengers and crew (among whom are several ladies) who have all lost *every thing* we possessed.

I must also humbly solicit your Lordship to order as early an investigation as possible of the cause of the loss of the *Travers*. As I conceive no blame can attach to me, I have no doubt but I shall be able to give your Lordship a satisfactory justification of my conduct, in the whole of this unfortunate business.

I have the honor to be, with respect, MY LORD,

Your Lordship's most obedient, most humble servant,

(Signed) J. COLLINS.

NAUTICAL INFORMATION.

TO THE EDITOR OF THE MIRROR.

SIR, CANTON, 12th *August*, 1808.

As the knowledge of every material fact, connected with the navigation of a course so much frequented by British ships, as that between India and China, cannot be too generally promulgated, I trust I need offer no further explanation or apology than that consideration, for addressing to you this Letter, intended for insertion in your widely circulated Paper.

The existence of a Reef of Rocks off Pulo Oby, near the Coast of Cochin China, and which is laid down in some Charts of the Chinese Ocean, has been 'till lately, an unsettled point, believed by some, doubted by others, and positively denied by many Navigators, employed in the Trade between India and China. As this Reef is neither mentioned by Captain Horsburgh, nor laid down in his Charts, which I believe, are the latest of these Seas yet published, the doubts of its reality were strengthened, and I, with many others, concluded it had no existence. Having been enabled in my passage hither to ascertain the fact, and to establish beyond all question, the existence of this Reef, I think it may be useful to publish the particulars, which I here submit to you, for that purpose, as contained in the subjoined Extract, from the Journal of the ship *Palmers*.

On the morning of the 9th April, 1808, while sailing along the South side of Pulo Oby, at ½ past 2, A. M. saw a Reef of Rocks, in length, apparently from 2 to 300 feet, and rising about the heighth of a ship above the surface of the water—distance from Pulo Oby, about 3 or 4 miles. The wind was light, and had the ship refused stays, she must have gone on shore. When about, she was not more than half a Cable's length from the Rocks, in 17 fathoms. At day light, stood on shore, but found the flood-tide so strong, that we were obliged to go between the Island and the Mainland. The Reef lies from the South Western extremity of Pulo Oby S. E. by E. ½ E. about 3 or 4 miles distant. I named it *Palmer's Reef*.

On the N. W. side of Pulo Oby, the water shoal'd from 15 to 5 fathoms, very quickly, with soft blue mud and gravel bottom. When the Island bore south east and by east, a small spot of cultivated land was seen, and two Chinese Junks near the Island. The wind being foul, and the tide running to the Westward. I came to an anchor, in quarter less four fathoms, blue muddy bottom.

Being desirous more particularly to ascertain the situation of the Reef, and whether there was any other danger in the neighbourhood of the Island, I went on shore, and ascended to the top of the Hill, in the centre of the Island, where I had a commanding view of the offing on all sides. I could see nothing more then the Reef above noticed, and the small Island laid down in the Charts, by captain Horsburgh.

I found the Hill, in the centre of this Island, inhabited by three Families from the Coast of Cochin China; and, by what I could understand from them, they had been banished from thence. They were greatly surprized and alarmed at our first appearance, and ran to the woods, where they concealed themselvs for a short time, but on finding that we came with the most friendly intentions, they approached us, and lost all their timidity in emotions of surprize and curiosity, which were strongly depicted on their countenances. They are in a wretched state; and appear to have nothing for their subsistance, but a few vegetables and indian corn, of which latter we saw about an acre in cultivation.

From the top of this mountain runs a stream of water, which enlarges in it's course to the vicinity of the landing place, where it empties itself into the Sea. Here a ship may conveniently fill a hundred butts a-day; and here also, is a safe and sheltered anchorage. The two Chinese Junks, before mentioned, are employed in the dry season, to carry water from this Island to the Main; and when the weather is favourable, they make their passage in 24 hours, taking the advantage of the tides which are here regular.

I am, SIR,

Your most obedient Servant,

J. WILLIAMS,

Commanding the PALMERS.

PREMATURE DEATH.

We are concerned to state, that captain C. Batty, H. M. 22d regiment, who came out from England on the *Harriett*; just after that ship anchored at Diamond Harbour on the evening of Thursday se'nnight, while standing at the gangway, speaking to a man in a country boat alongside the ship, unfortunately slipt overboard, and was seen no more! altho' two or three gentlemen were standing close to the deceased, at the very instant he fell; who observed that his head struck against the ship's side, between which and the boat, he went down. [*Cal. Oct.* 30.

PENANG GAZETTE,—September 10, 1808.

COURT OF JUDICATURE.

On Monday last, the 5th instant, the First Session of Oyer and Terminer, and General Goal Delivery, for this Island, and its Dependencies, was opened at the Court House, in George Town, before the Honorable Sir Edmond Stanley, *Knight*, Recorder, and his Associates, the Members of Government;—when the Precepts having been returned by the High Sheriff, the following Gentlemen were Sworn on the Grand Jury; *viz.*

J. P. Hobson, Esq. *Foreman,*

Q. D. Thomson,
George Seton,
Thomas Halyburton,
D. Forbes,
D. M'Tulloch,
J. Scott,
D. Brown,
J. A. S. Williams,
Thomas McGee,
Patrick Carnegy,
John Baird,
J. Dunbar,
Patrick Chiene,
and
N. Bacon, Esqrs.

Sir Edmond Stanley then delivered his Charge to the Grand Jury, to the following effect:

Gentlemen of the Grand Jury,

If ancient usage, and the long established forms of judicial practice, have sanctioned the propriety and wisdom of Judges addressing the Grand Juries, by a charge, upon the various articles of their enquiry; the exercise of such a duty is more particularly called for, and rendered more indispensibly necessary, upon the opening of this Session of Oyer and Terminer and General Goal Delivery. When we are now for the first time assembled, under His Majesty's Gracious Charter, in order to carry into execution, and reduce into practice, the noblest as well as the most effectual system of Criminal Jurisprudence, that ever yet was devised by the wisdom of man, for securing to the public the blessings and advantages of civil society; for the establishment and preservation of peace and good order; for the punishment of the guilty and dissolute; and the protection of the innocent and industrious part of the community. More imperiously do I feel that duty demanded of me by the Calendar which I hold in my hand; which, I am sorry to say, exhibits the most distressing and melancholy picture of human delinquency, and moral depravity, that I believe ever yet was presented to any Judge, or produced in any Court. A Calendar, stained with blood, and marked with murder in every line of it, and which in truth comprizes within itself, almost every crime that can be committed against public order, or against the persons, habitations, and properties, of His Majesty's subjects.—I do declare, that it has often fallen to my lot to be placed in situations, that were thought by myself, and by others, to be arduous and difficult; but it has at length been reserved to me to preside in one, which calls more loudly than any other that I ever yet experienced, for the employment of all the powers of the human mind, and the exertion of all the intellectual faculties of the human soul, destitute of all legal assistance as I am.—To reform this disordered and distracted state of Society, to vindicate the insulted authority of the Laws, to stop that system of murder, rapine and depredation, which

is now carried on with as much facility, and with as little interruption, as if it was a part of the daily traffick of the Island; and which, if not checked by some wise and salutary measures (not of cruel or sanguinary extirpation,) but by a due, temperate, and vigorous execution of the Law;—by an active, lively energetic and vigilant system of police, calculated to prevent and obstruct the progress of Crimes —by establishing a well ordered nightly watch and ward, under the statue of Winchester, to guard the habitations and properties of the peaceable Inhabitants;—by providing proper places for the real correction and punishment, as well as for the reformation of offenders; and lastly, by a general and cordial co-operation of all orders and degrees of the state, to improve the Morals, and amend the Vices of the lower classes of the People, whom it is our lot to govern; and who, I lament to say, are from a combination of causes inherent in the original formation of the Settlement, and almost inseparable from the nature of its mixed population, and the singular state to which the Government has been placed, for the last twenty years, vicious and depraved in the extreme. I say, if a stop is not put to this career of iniquity, and if the evils which now afflict society are not checked by some or all of those measures, they seem to me to threaten the dissolution of all the bonds of social order, and the annihilation of every thing that is most valuable and most sacred in a state.

You, Gentlemen, in your collective capacity, form a most important branch of that wise system—the grand inquest of the island—an institution upon which the British nation have always most valued themselves; the antiquity of which may be traced to the earliest ages of the Saxon monarchy,—and the practical excellence of which, as the best instrument to bring the guilty to condign punishment, as well as to shield the innocent from unjust accusation, has been proved by such long experience, and is so universally felt and acknowledged not only in England, but in those Indian provinces—in the West Indies, and in all the distant settlements—of the world, which have the happiness to be governed by British laws; that no time, no change of government, or revolution—no presumed inconvenience or trouble, that might be occasioned to individuals, could ever prevail to extinguish or abolish it.—I am happy, therefore to observe, that the high sheriff has upon this occasion returned gentlemen, who from their local knowledge, and long residence, seem the most competent to exercise this important function; who will never be prevailed upon, by any human consideration, to accuse the innocent, or to conceal the guilty—men, into whose bosoms the mean or ignoble passions of malice or dislike, partiality or hatred, will never be allowed to enter, but who will consider themselves, as they are, selected into that box, from the mass of their fellow citizens, and consecrated as it were to the great purposes of public justice.

Gentlemen, it was with a view of accomplishing those great and valuable objects, of promoting the commerce and population of the island, by a strict and equal distribution of justice;—of giving confidence to the inhabitants, and security to the enjoyment of their persons, possessions and acquisitions, as well as for the punishment of offences, and the repression of vice within the island, that his majesty at the instance and desire of that most honorable and respactable body, to whom the government of the British territories in India is committed, (and to whom on that account great gratitude is due by the inhabitants of this island) has sent out his gracious charter:—the most liberal in its principles, the most effectual in its jurisdiction, and armed with powers the most extensive and summary, for the administration of civil and criminal justice, that the wisdom of man could devise;—

calculated to meet every exigency,—to adapt and accommodate itself to all the local circumstances of the island, and to provide for every emergency that the place itself, or the state and condition of its inhabitants, might require; for which purpose it makes the wise and benevolent system of British law, in a qualified and restricted manner, the rule of justice within the island, for the various and numerous descriptions of inhabitants, who have settled here, under the British government, blended with a proper and due attention to the local customs, prejudices and manners, of the natives of the country.—It is now too late, and unnecessary, to enter into the question, whether the body of British subjects who originally settled and formed themselves into a state of civil society under a British government, in this then uninhabited and uncultivated island, which was obtained by cession from a native prince, (and where no previous law existed) did or did not carry with them so much of the British law as was necessary to protect the inhabitants against personal injuries, and to enforce the moral duties of man;—for the effect of the present charter is, that it communicates the civil and criminal law of England, qualified as I have stated, to this island, down to the date of this charter, as it then stood;—but no British statue passed since that period can be received in or will extend to, this island, unless it is expressly named, or included under a general description, and the British law so received, is to be understood under another restriction, that so much of it only is communicated to this island as is necessary and convenient to its own local situation, and the condition of an infant colony;—much of it certainly would be inapplicable,—what shall be admitted, and what rejected; at what times, and under what restrictions, must in case of dispute be decided; in the first instance, by our own judicature, subject to the revision and controul of the King in Council, the whole of the constitution being at all times liable to be new-modelled by the superintending power of the legislature of the parent country.

For the purpose of administering this Law in Criminal Cases, which may affect the life of man,—it has provided this High Court of Criminal Jurisdiction, and has adopted the principle of the Great Charter of British Freedom, that no subject of his Majesty, whether British or Native, shall be punished capitally or transported for any crime without being brought to answer, by due course of Law; that he shall not be brought to trial until a Grand Jury shall first, upon their oaths, present him as a fit object for public prosecution; neither shall he be put to death or exiled, until a Petty Jury shall, after a full examination of the charge, find him, upon their oaths, to be a fit subject for public punishment.

In arbitrary states, where the life of man is of little value, this would be considered as a very troublesome provision; there, a man is dispatched, chained, tortured, or banished, at the arbitrary and capricious will of the Prince, or the Minister, by an instant declaration that such is his will and pleasure.—All rules of evidence are laid aside as inconvenient; the accused never sees his judges, or hears the witnesses; and death to him is a relief from a more wretched existence, but such is not the spirit and temper of British Judicature; all our accusations are public, and our trials in the face of the world; with us, torture is unknown, and the accused has a right to cross-examine the witnesses produced against him, as well as to contradict their evidence, by opposite testimony: and in the end, his fate is decided by a Jury of his fellow citizens, against whom he can form no exception or even personal dislike.—subject to the superintendence of a judge, who is bound to be so far of council with the prisoner, as to see that the proceedings against him, are legal and regular.—The present charter has also, in order to meet the

local circumstances of the Island, and the state of its inhabitants, provided a summary Court of Session, without the intervention of a Jury, to sit as often as the exigencies of the Island may require; to try and punish all inferior misdemeanors, against the public peace, police and good order, in the most expeditious and effectual manner.—A jurisdiction which indeed was absolutely necessary for this Island, as, from an examination of such records as I have been able to find, I am sorry to see that the number of offences committed within it exceeds beyond all proportion the measure of human guilt in any other, or in all the other settlements in India, or I believe in any other colony of the same extent and population in the known world. I observe, by my Calendar, that there are twenty seven murders upon it; seven of which are charged to have been committed within the last year; and (besides many small inferior offences no less than nineteen thefts and felonies within the compass of the last five weeks;—no doubt, this disordered state of society may be in some measure accounted for, by causes which have produced effects nearly the same in all new colonies and plantations, composed of similar materials, before the manners of the lower classes were softened and humanized by habits of industry, social intercourse, and friendly commerce.—Before regular courts were established to administer the laws, or magistrates to carry them into execution; and really, instead of being discouraged at such a state of things, I cannot but express my surprize, that an island which was a desolate wilderness twenty years ago, and in the recollection of so many that hear me, should (notwithstanding all these disadvantages) now exhibit such considerable marks of improvement, in cultivation and population—should have become an important marine port and station for the refreshment and supply of the British navy—for facilitating the trade between England and China; and perhaps may be made an important depôt for building shipping; but at all events, by its central situation, is likely to become the great mart and emporium between Eastern and Western India, for the sale and exchange of both European and Indian produce and manufactures.—I confess, when I reflect upon the past, and contemplate the rising prospects of this island, and the great advantages it has received by the present Charter, I have the most sanguine hopes, that the general affairs and situation of the island, will soon wear a more promising aspect; and that the dawn of future prosperity will soon become visible.

Gentlemen, the end of criminal law, a most important branch of this judicial system, is to prevent crimes by punishment; that the pain of it, as the sublime Roman expresses himself, *may be felt by a few*, and *the dread of it* may be extended *to all*: and in general, I agree with those who think, that punishments of unreasonable severity, especially when indiscriminately inflicted, have less effect in preventing crimes, and amending the manners of a people, than such as are merciful and moderate in general: and that crimes are more effectually prevented by the certainty, than by the severity of the punishment:—yet, I shudder to think, that the state of society here is so depraved, at least with respect to one branch of its population: (for, as to the Chinese inhabitants, my observations do not apply to them; they seem to be most industrious and useful subjects) but as to those who have emigrated here from countries ferocious and uncivilized, I fear to the doctrine which I have alluded, would, as applied to the main general, be rather the language of benevolent speculation, than of attentive observation or experience; for, as long as a body of men exist in a state, who, without fearing a supreme being, dread the law; and without feeling any horror of crime, tremble at the idea of of punishment; so long it is necessary, that great and enormous crimes, strict-

ly proved, should be certainly and severely punished—not by way of vindictive atonement or expiation for the crime itself, but as a precaution against future offences of the same kind, and by setting a dreadful example to deter others;—and in truth, when crimes of deep malignity, such as murder, are so frequent, and have passed so long with impunity, general mercy and indemnity to the guilty, would become an act of cruelty to the public: although, in most cases of guilt, I think that well arranged houses of correction, and penitentiary establishments, are more effectual to produce reformation among the lower classes of mankind, than capital punishments.

Having said so much upon the general objects of the Charter, and the pirnciples of criminal justice; as I presume it may not have fallen to the lot of many of you, Gentlemen, to have acted in your present capacities, you may require some guide to lead you in this untrodden path; some rules to direct you in the exercise of this unusual duty:—I shall now, therefore, endeavour to explain to you very shortly, what ought to be the demeanour of the Grand Inquest, in relation to their presentments; or, in other words, the office and duty of Grand Juries,—the mode in which they are to coduct their enquiries and encrease their powers; and secondly, I shall point your attention to the various classes of prisoners upon the Calendar; and shall explain the law, as it arises upon each of the offences contained within it in order to assist your judgements, in finding or rejecting the bill, which will be brought before you. The first step towards the punisliment of offenders in their formal accusation by a Grand Jury; for which purpose the High Sheriff, by virtue of a precept, directed to him, returns twenty-four of the principal inhabitants to the Court of Goal Delivery, selected from each district; and who, from their local knowledge, and observation, are supposed to be best acquainted with every thing that is passing in it; and that no crime can escape their notice; and therefore, in some of the old books, they are called *Inquirors*; in modern ones, the *Solemn Grand Inquest*; and they on the part of the Crown, are to enquire of, and present, all offences happening within their jurisdiction.

The great qualities necessary for the Grand Inquest, are attention and deligence to enquire after truth, sagacity and descretion to discover it, and integrity and firmness to present it.—This power of inquiry and accusation may be exercised in two ways: first, by indictment, which is a written technical accusation against a person, of any crime preferred to and presented upon oath by a Grand Jury, and which is framed by the officer of the Court, and laid before them, together with evidence on the part of the crown:—secondly, by a *presentment*, which is a more comprehensive term, and is an accusation founded upon the notice taken by a Grand Jury, of any offence, from their knowledge, without any bill of indictment laid before them at the suit of the King; upon which the officer of the Court must afterwards frame an indictment, before the party presented can be put to answer it;—so that a Grand Jury may present, either upon evidence, or upon their own knowledge; which the law esteems as authentic a ground for a prosecution, as an accsuation founded upon the testimony of others; and it presumes, that, in one way or other, all offenders, will be brought to trial, and that no innocent man will be forced to submit to the disgrace and expence of a public prosecution:—For the greater regularity of your proceedings, your Foreman presides, reads all bills, puts the question whether they shall pass or not; which is to be decided by the majority—and he certifies the bill either found or ignored: If, by ill health, or other accident, your Foreman should at any time be absent, the next in seniority takes his place, or the Grand Jury may elect a new one.

The leading features of your duty are emphatically pointed out to you in the great constitutional oath, which you have just now taken; by that you learn, that diligence in your enquiries, secresy in your councils, and justice and impartiality in your presentments, are the sacred obligations imposed on you.—The diligence required of you is, that degree of industry to search after truth, and to investigate crimes, which every man who enjoys the protection of Government, and the advantages of the due administration of justice, is bound by his duty, and engaged by his interest to bestow, upon matters in which the interests of society are so deeply involved:—and here it may be proper for me to inform you, that your jurisdiction extends to enquire of all public wrongs or crimes: but not of civil injuries to individuals, or matters of dispute about property, or private rights, which do not concern the public peace? Such private contests are to be determined by another forum; but the Charter and the law authorizes you to enquire and present all treasons, murders, and other felonies and offences *heretofore* committed, or which may hereafter be committed during this session; and there is no doubt, that all crimes of a public nature, all disturbances of the peace, oppressions and other misdemeanors of notoriously evil example, as well as all attempts to commit crimes, though not actually perpetrated, are indictable at the suit of the King.—Your jurisdiction at the present session is confined to offences committed within the island, and the territory thereunto belonging; and, in general, you cannot enquire of any fact done out of that jurisdiction, unless enabled to do so by the King's Charter or commission, or by act of parliament.—*Secrecy* with respect to the King's' Council, your own and your fellow jurours, is particularly enjoined by your oath, and commanded by the law, as of the greatest consequence to public justice; as the disclosing the evidence and proceedings before a grand jury may give great offenders an opportunity of escaping, or of defeating public justice, by counteracting the evidence for the Crown, by subornation of perjury; and it is certain, that a grand juror who does so, is guilty of a misprison, and liable to be fined and imprisoned: and he should neither disclose his own acts or opinions, or those of his fellows who may have dissented from him; which is not only dangerous to the public, but illiberal towards the individual, as it may expose him to the malice and ill-will of the parties.

I must inform you, that it is your duty to enquire only, and not to *try*; and therefore, you are to hear evidence only on the part of the prosecution, and by no means to hear any on the part of the accused: It was formerly a matter of some dispute among great and learned men, what degree of evidence is sufficient to warrant a grand jury to find a Bill; but it is now settled by great authority, that as an indictment is merely an accusation, and the party is afterwards to undergo a full trial, they ought upon *probable evidence* only, to find a bill; but it ought not to be *remote* prabability; but that degree of it, which approaches the confines of certainty; it cannot be expected, that the grand jury, who hear evidence only on one side, should have the same persuation of the guilt of the party as the petty jury, or Coroner's Inquest, who here the evidence on both sides; and therefore I think it is a good rule to go by, in finding a Bill, that the evidence should be so strong on the part of the Crown, as (supposing it uncontradicted by witnesses before the petty jury,) would be sufficient to convict; it is not necessary that the evidence should be possitive, strong presumption, and circumstances which necessarily and usually attend the fact, will be sufficient; as, if a man be found suddenly dead in a room, and another is seen running out in haste with a bloody sword; this is a violent presumption, that he is the murderer? for the blood, the weapon, and the hasty flight, are all the necessary concomitants of such horrid acts, and in foul and secret cases,

no other evidence is possible to be obtained; so the finding of goods proved to be stolen upon a party, recently after the fact of felony, is evidence, accompanied with other suspicious conduct of the party, that he was the person who stole them, unless he is able to account for the possession; but if the grand inquest, upon hearing the King's evidence, or upon their own knowledge of the incredibility of the witnesses, are dissatisfied, they should reject the bill.

In general, it is recommanded by great lawyers, that if a Bill be presented for murder, and it is clear that the Prisoner committed the homicide, but circumstances may appear to them to extenuate the offence; that they ought to find the Bill for the greater offence, as murder, and not for manslaughter, or any lesser species; otherwise great crimes may be smothered; and the party comes upon his trial, the whole fact will be examined before the Court and Petty Jury; and he will have the full benefit of the law, if entitled to it; and, in many cases, the contrary practice would be a disadvantage to the accused; for, if the Grand Inquest ignore the bill, whereby the prisoner is dismissed, yet he may be indicted again for the murder many years after, when perhaps all his witnesses may be dead; whereas, if they had found the bill for murder, and left it to the Court, whose province it is to determine the law, and direct the Petty Jury to find it manslaughter, or to acquit the party; he might plead that conviction or acquittal in bar to any further indictment for the same fact. It is right for me to observe to you that except in high treason, there is no limit of time, to the prosecution of offenders; in all treasons, except such as may affect the sacred person of the King, an indictment must be found within three years after the offence committed; but an indictment for murder, or any other offence, may be found at any distance of time after the fact; indeed, when offenders fly from justice, that is reasonable; but when they are in prison, they ought to be brought to trial as recently after the fact as possible; otherwise the punishment loses much of its effect; and it may in many cases be a great hardship upon the accused; however, if there is no sufficient evidence to warrant the grand jury to find the bill, in general they should do so, leaving such circumstances to the future consideration of the Court.

With respect to the various offences, and the different classes of prisoners, appearing upon the calendar; as it would be impossible, in any one charge, to go through the whole circle of crimes and misdemeanors, with the punishments annexed to each, cognizable by the laws of England; I shall therefore content myself, for the present, with taking notice of such as *must* become the subjects of your enquiry: and first, with respect to crime of homicide, which is so familiar among a certain portion of the lower classes on this island; this offence, by the law of England, is of various kinds, it is either justifiable, excusable, or felonious, of which the most attrocious is the crime of wilful murder, which I believe is punished universally, in every civilized nation on the earth, with death. In some barbarous and ferocious nations, this crime may perhaps be considered rather as a private injury, to be avenged by private retaliation, than as a crime against the public; but the law of God, and the voice of nature, unite in proclaiming, "that who so "sheddeth man's blood; by man shall his blood be shed: and that the land must "continue polluted, 'till cleansed by the blood of those who shed it."—The right of punishing murder and the like crimes against the law of nature was in a state of mere nature, vested in every individual whereof the *first* murderer, Cain, was so sensible, that we find him declaring his apprehensions, that who ever would meet him, would put him to death. In a state of society, this right is transfered from individuals, to the Sovereign power, whereby men are prevented from becoming judges in their own causes; which is one of the evils, civil government

was intended to remedy; whatever power, therefore, individuals had of punishing such offences, against the law of nature, is now vested in the Supreme Magistrate, and upon this principle it is, that many persons who are not subject to the municipal law of England, and are not triable for any other crime, as foreign Ambassadors and their suite, are yet liable to be tried and put to death for the crime of murder, as an offence, not against the particular law of England, but against the law of nature, and the universal law of all civilized societies; of which several instances are mentioned by my Lord Hale.

Murder, by our law, is defined to be the killing another of any country or religion, whether native or foreigner, under the King's peace, with malice propense, either expressed or implied: but many persons have fallen into a fatal error as to the import of the term *malice aforethought*, which certainly is an essential ingredient to constitute murder, and some have fallen into a great mistake, as to what shall be said of a provocation which in point of law is sufficient to extenuate or alleviate a killing, from murder to manslaughter; to which two points I shall now direct your attention, when the law makes use of the word malice, as descriptive of the crime of murder, it is not to be understood according to the vulgar acceptation of the word;—"a melevolence or rancour of mind, lodged in the "person killing, for some considerable time before the commission of the fact,—"the law by the term malice means, that the fact hath been attended with such "circumstances as shew a wicked and malignant heart; and it is not so perfectly "spite or malevolence, to the deceased in particular, as any evil design in general; "and therefore, if a man kills another, suddenly, without any, or without a considerable provocation, the law will imply malice; so, if a person kills another, "in consequence of such a wilful act, as shows him to be an enemy to all mankind in general, as discharging a loaded gun among a multitude of people; or "if a man resolves to kill the next man he meets, and does kill him, it is murder, "though he knew him not: for such a man is called *hostis humani generis.*"

Now, as to what shall be a sufficient provocation, or under what circumstances, heat of blood will avail to extenuate a killing from murder to manslaughter, it is certain that no words of reproach or infamy, how grievous so ever they may be are a provocation sufficient to free the party who kills another with a deadly weapon, or in such a way, as shews an intention to kill or do some great bodily harm, from the guilt of murder, nor are indecent provoking actions, or gestures, expressive of contempt or reproach—and homicide, upon such provocations, has been always ruled to be murder; so if a man, upon a trespass done to his land or goods, kills the person with a mortal or deadly weapon, or beats him in a cruel and unusual manner, it would be murder; and some judges have held, that even a slight blow would not excuse the party who kills another, *in a brutal and cruel manner*, and with a mortal weapon from the crime of murder; but it may be laid down as a general rule, that every case of homicide, upon provocation, however great so ever it may be, if there is sufficient cooling time for passion to subside, and reason to interpose, such homicide will be murder, and therefore, if a man kills an adulterer, deliberately and upon revenge, *after the fact*—and sufficient cooling time, or upon the idea of jealousy, it is undoubtedly murder; though, if he had found the party in the act, it would be no more than manslaughter; and in this the law of all countries agrees with our own,—and in all possible cases, deliberate homicide, upon a principle of revenge, is murder.—No man who is under the protection of the law, is to be the avenger of his own wrongs—If they are of such a nature, for which the laws of society can give him redress, thither

he ought to resort; but, be they of what nature soever, vengeance belongs not to man.

Here it may be proper that I should observe to you, that in cases of murder, the law admits evidence of the declarations of the deceased, after the mortal wound given, against the offender: but it must appear, the party making them was then sensible of approaching dissolution; or in such a state that he must have felt the hand of death. The law considers a declaration made by a person in that state; when all hopes of this world are gone, and no human temptation could be supposed to induce the party to tell a falsehood, as equal in solemnity to an oath; so, the examination of a prisoner, or the informations of witnesses before a coroner or or magistrate, are, in case of the death of the witnesses; and, in some other cases, evidence; provided they are taken according to the direction of the statutes of 1st and 2d, and 2d and 3d, Philip and Mary, c. 10—Murder is death by the law of England, both in the principals and accessaries, before the fact.

Burglary is also a very high offence by the English law, being an invasion of that right of habitation which every man might acquire in a state of nature; and on that account, and by reason of the terror which it causes to the owner and his family, is punishable by our law with death —A burglar is he that by night breaketh and entereth a mansion house, with intent to commit a felony, and it is of two kinds; 1st, simple; 2d, compound burglary.—In order to complete the crime, four things are necessary; 1st, that it should be committed by night;—2dly, it must be in a dwelling house; for no distant out-house or ware-house, unless it be parcel of the mansion house, or connected with it by a common fence, is entitled to the same privilege;—3dly, there must be a breaking and entry; but both need not be done at once; for if a hole be broken in a house one night and the breakers enter the next night through the same, they are burglars.—Opening a window, picking a lock, lifting the latch of a door, or unloosening any other fastening, which the owner has provided, is a breaking in point of law; and if a servant who lives in the house, conspires with a robber, and lets him in at night, this is a burglary in both;—the least entry with a part of the body, or with an instrument held in the hand, to draw out goods; or a pistol, to demand money, are all burglarious entries;—and if one of a party enters, and the rest keep watch at convenient distances, they are all equally guilty; but the entry must be with intent to commit a felony; and if so, it is burglary, whether the thing be done or not; and if a person make a hole in the wall of a house, or breaks house in any other manner, and send, a child (not of years of discretion) to enter therein, and commit a felony, which is accordingly done; and the person sending the child, stays away, to avoid detection; yet he, though absent, is the principal, and as guilty as if he himself had entered;—for such a child is not capable of crime.

The next offence on the calendar is the offence of larceny, or theft, which, when the goods stolen are above the value of one shilling, is grand larceny; when of goods of that value, or under, it is called petty larceny; Simple grand larceny, though excused the pains of death for the first offence, is punishable with transportation or imprisonment, and being sent to hard labour in the house of correction, or on the public works: Petty larceny is punished by imprisonment and whipping, and being sent to the house of correction; and in some cases by transportation for seven years.—The ingredients necessary to constitute larceny, are three; there must be, 1st, a taking; 2d, a carrying away; and, 3d, a felonious intent to steal; the latter is of the essence of the crime, and is evidenced by a variety of circumstances demonstrating a guilty mind, as, if the goods were taken clandestinely, or the

party denies the fact afterwards; or flies, or gives false and contradictory accounts of the act; obtaining goods by delivery of the owner, by such fraudulent pretences as shew an original intention to steal; or a servant converting his master's goods committed to his charge, would be felonious larcenies; but if a man takes goods as a trespasser, or under a claim of right; as, where a landlord distrains goods for rent, when none is due, or a party takes goods, in such a manner as shews that he intended only to commit a civil injury, and not to steal, such acts do not amount to felonious larcenies, though they are a ground for an action.

The offence of robbery from the person, is an aggravated species of larceny, punishable by the law of England with death, on account of the violation of the personal security; for which reason, in order to constitute this offence, there must be a previous violence, or forceable taking of property from the person, by previous putting in fear; but it is sufficient if it appear to have been attended with such circumstances of violence or terror, which in common experience are likely to induce a man to part with his property against his consent, for the safety of his person; but it is immaterial what the value of the thing taken is, provided it is taken forcibly from the person. I observe, by the calendar, that a robbery was committed three days ago, by a band of ruffians on the opposite shore; where I understand no person can venture at present, without the hazard or certainty, of being assassinated or plundered; and therefore, it is incumbent on the Police to establish proper watches and guards on that station, as well in every part of the island; to prevent the commission of those outrageous offences; otherwise, the crimes will become so numerous, that this court can attend to nothing else, but criminal trials; and the civil business of the island, which is very heavy, must be neglected or postponed.

We find the learned chief justice of Calcutta lately congratulating his grand Jury, upon the orderly state of that great capital; where, from a town, in which the population is nearly one million, and composed of persons differing in customs, manners and country, there were but two crimes for the calendar; after an interval of six months; which the learned chief justice imputes principally to the exertion of the magistrates, and the admirable system of police established by Government for that capital; and therefore, it would be well to follow that useful example; and by activity, exertion and vigilance; to throw such embarassments and difficulties in the way of public plunderers, as will prevent the commission of crimes, and shew them, that they cannot carry on their depredations, without the greatest hazard, or certainty of detection;—all suspicious night walkers, and disorderly persons, should be apprehended; and by those measures, they will either be induced to give up their criminal delinquency altogether; or as all events, the evils which at present exist, will be very much diminished.

With respect to the number of offenders on the calendar, which amount to sixty seven, the Charter empowers you to enquire of all treasons, murders, and other felonies, *theretofore*, (that is, previous to the 25th of March, 1807, the day the Charter passed,) had, done, or committed, or which should *thereafter* be committed within this island or its subordinate territories; but, general as the words in this retrospect clause appear to be, they must be limited in their construction, within the rules of law and justice; and this clause must be compared with and construed by other clauses in the charter, relating to the same matter.—The commission of goal delivery, though it confers very extensive powers, has certain limits fixed for the exercise of its jurisdiction; it is confined merely to that class of prisoners who lie in goal for their deliverance—and who are entitled to be tried for it:—it is true,

the court will take care, that no man shall be detained in goal, without a legal charge; but it does not extend to such as are *attached*, or who have been tried by former competent jurisdictions.

Now, the charter takes notice, that although no regular judicature could be created, without the King's authority; yet, that certain courts, and persons exercising the powers of judicature in civil and criminal cases, did in point of fact exist in this island before the charter;—it provides, that their powers shall cease; but nevertheless, that all their acts, judgments and proceedings, in civil and criminal cases, should remain in full force; unless varied and avoided by the new Court, upon proper proceedings instituted for the purpose.

The prisoners on the Calendar may be divided into three classes:—the first class of prisoners consist of about eighteen persons, heretofore tried by the Police Magistate, and sentenced by the Governor and Council, to imprisonment and corporal punishment, for robberies and other offences; for which, perhaps, if they had been tried in this Court, they would have been subject to a higher punishment:—to that class of prisoners your enquiries are not to extend; as no man who has received the slightest punishment, can be again tried by this Court, for the same offence:—The second class of prisoners consist of eighteen of the twenty seven persons who are returned upon the Calendar as charged with murders committed some years before the present Charter passed:—Now, although I think, that no principle of British law, or natural justice, would be violated by giving the retrospective clause its operation upon the crime of murder, which existed, by the law of nature, antecedent to any municipal institution; and for which crime, a mode of trial is given by the Charter, more favourable to a prisoner than that which prevails in any other country in the world, not governed by the British constitution;—yet it appears to me, that those eighteen prisoners have been heretofore tried for those murders, before another criminal court, which then in fact sat and exercised jurisdiction under certain authorities derived from the then Supreme Government of Bengal;—the records of which trials are now before me; by which it appears, that all except one or two of those persons were found guilty, after long and formal trial, and examination of witnesses on both sides, by their judges, of murder;—although no sentences were passed upon them;—but it seems, the verdicts were referred to the former Calcutta governments for their directions; and the parties have remained ever since in goal.

I find, also, by the same records, that many other persons were at the same time, and by the same tribunal, tried and acquitted, of murders, and discharged: now, whatever doubt might heretofore have been entertained, of the competency of those jurisdictions; yet now, as the present Charter recognizes their acts, I think, that under these circumstances, I could not, without a violation of the rules of law and justice, construe that retrospective clause, as authorizing me to try, or you to inquire, of the merits of such cases; when the witness on both sides are probably dead, and the parties in custody might plead their former convictions; as well as those acquitted, their former acquittals:—In truth, such a construction would open the door to many mischiefs, and indeed, it does not appear, that there are now any prosecutors or witnesses in those cases, if the court re-try prisoners so circumstanced.

The third class of prisoners consist of eight or nine persons, charged with Murders recently committed since the passing of the charter; and some of them within the last few months:—to these cases your jurisdiction certainly extends, and your

enquiries should be directed: as well to that class of prisoners, consisting of about twenty men, who are charged with felonies and thefts committed within a few days past, and some of them during the siting of the last quarter sessions;—which was an additional outrage upon public justice:—and the calendar of offences for the last month is carried on periodically from day to day; and quantities of cumbrous goods have been carried through the streets, without obstruction or interruption; as if those faithless guardians of the night were accomplices in the plunder of those whom they are paid to protect.

Of all those offences, you are to inquire, and true presentments make;—but you are only to inqure, whether the party accused, is charged with such probable circumstances as to justify you in sending him to another jury, who are appointed by law to hear the evidence on both sides; and to say, whether the person charged, be guilty or not, of the crime imputed to him; and if upon such trial, any advantage can be derived from the nicety and caution of the law; or any favourable circumstances appear, it will be as much my inclination as it will be my duty, to pay due attention to such circumstances;—and, if the law declares them guilty, the offenders may still have recourse to that fountain of mercy, the royal breast, where justice is always tempered with clemency:—such is the inestimable blessing of a Government founded in law, that it extends its benefits to all alike—to the guilty and the innocent; to the latter, the law is protection and a safeguard; to the former, it is not a protection indeed; but it may be considered as a house of refuge; indeed, there cannot be a greater proof of the excellence of the British constitution, than by administering its benefits to all men indifferently.

I cannot dismiss you, Gentlemen, without saying something on the state of the goal of this island, which I have visited and examined in person, as I thought it my duty to do; and I am very sorry to say, that considering it, either as a place of detention for the accused, or for the debtor, or as a place of punishment for those who are convicted of crimes, it seems to be very unfit for the purpose; both in situation and in the arrangements made for the comfort of those confined within it—A prison ought to be so constructed, as to prevent the loss of liberty from being aggravated by any unnecessary severities; nor will the law allow any thing like torture or cruelty, towards prisoners confined therein;—they should be treated by their goaler, with all possible humanity, consistent with their safe-keeping.

The high Sheriff has, by his report, which I have in my hand, complainad of its insecurity, and being totally unfit for prisoners.—As to its being in a healthy situation, I cannot form any opinion, except from the coroner's inquisitions; by which I see, that numbers have died in it.—Those considerations have made me think it my bounden duty, to attract your notice to this subject; and to request, that you will go and examine the prison, and state your opinion thereon, before the session closes.

24th September.

At the First Session of Oyer and Terminer and General Goal Delivery, which was opened on the 5th ultimo, pursuant to proclamation, and continued by divers adjournments 'till the 6th instant, the undermentioned persons were tried and convicted, and received the following sentences:—

For Murder.—Tooah, Sallee, Yang, Hadjee Mahomed Bakhee, Hussano—sentence of *death* pronounced on these prisoners.

For Murder.—Soodean.—Sentence of *death* was first pronounced on this

prisoner; but, in consequence of the recommendation of the petty jury, the Court commuted the same, and sentenced him to be *transported* for the term of eleven years.

FOR ROBBERY.—Suppa.—Sentence of *death* being first pronounced on him, the Court commuted the same to *transportation*, for the term of seven years

FOR FELLONY.—Harroshaw:—Sentenced to be once *publickly whipped*, and afterwards kept to *hard labour* for the space of three years—Pauch Cowree, Mahomed Suffick, Bullakey, Asurufft Fakeer Mahomet, Juggin, Shooroof.—*Publicly whipped*, and *hard labour* for two years.

FOR GRAND LARCENY.—Ingah, Abubucker; Torrab, Karrimbuckus,—sentenced to be *transported* for the term of five years.—Teing—sentenced to be put to *hard labour* for the space of two years—Golam Hussein.—ditto ditto for one year.—Torrabin, to be *publickly whipped*, and afterwards put to *hard labour* for the term of one year.—Gornadeen, alias Mootoo, ditto ditto for two years.—Ranjid, Mongooloo, Parang, ditto ditto for two years.—William, sentenced to be once *privately whipped*,—Pochee Apoo, sentenced to be put to *hard labour* for the term of two years.—William, ditto for six calendar months.

FOR PETTY LARCENY.—Raman, Long, sentenced to *hard labour* for three months.

For receiving stolen goods knowing them to be stolen.—Goolam,—sentenced to be once *publicly whipped*, and afterwards *imprisoned* for two years.—Etam, *imprisoned* for one year.

FOR A VIOLENT ASSAULT.—Che Undah, alias Pandab, and Aliang.—*imprisoned* for two years afterwards discharged, on security for their good behaviour.

FOR MURDER.—Abdoolrahim, Bong Cong, Assum, Che Kaddeen.—*Acquitted.*

FOR GRAND LARCENY.—Golab, Mullang, Sallee, Doute, Ketcheel, Malan, Towacal, Kustoone, Negeah.—*Acquitted.*

For unlawfully entering a dwelling house.—Hoo.—*Acquitted.*

FOR MURDER.—Dosey.—*Remanded till the adjournment.*

BILLS NOT FOUND BY THE GRAND JURY.—Abang Long, Chee Meenah, Inchee Lumback, Carambacos, Rama, Khamut, Buton, Jillanee, Rahim, Soonah.—*Discharged by proclamation.*

Thirteen persons, who had formerly been tried and convicted of murder, by the Court which sat here in the year 1804-5, for the trial of capital offences, pursuant to the regulations of the Supreme Government, but whose sentences were respited by the persons who exercised the Powers of Judicature at that time, were remanded till further orders;—and two persons, who were formerly acquitted of murder, and found guilty of manslaughter, were at the same time discharged. Several others heretofore tried and convicted of larcenies, whose sentences were nearly expired, were also discharged, on giving security for their future good behaviour; and other suspicious characters were at their own request permitted to leave the Island

The murders with which the prisoners Hadjee Mahomed Bakhee, Sallee, Tooah, and Yang stood charged, appeared to have been the most atrocious and cruel were ever known.—The first of them had slaughtered three persons, and at-

tempted several more of the same family.—The second had killed two persons, and attempted to destroy two others; and the other two put their wives to death in the most inhuman and barbarous manner.—After long and patient trial, and on the clearest and most satisfactory evidence, they were convicted by the jury, when the awful sentences of the law was pronounced on these unhappy persons, by the learned Recorder, who regretted, that no mitigating circumstances could be found in either of their cases (which appeared to be equally aggravated) to enable him to recommend either or any of them to mercy, or to commute their punishments, under the powers, given for that purpose by the charter; and he trusted, that the sacrifice which they must make on the altar of public justice, would be the means of saving the lives of hundreds; who he hoped might be deterred by their example from a repetition of those attrocities, which had been so long and so frequently committed in this island with impunity; and he ardently prayed, that by repentance and contrition, they might receive that mercy in the next world, which it was impossible, consistent with the safety of civil society, to extend to them in this.

The prisoners, Hadjee Mahomed Bakhee, and Salee, were accordingly executed, in the market place in George Town, on the 27th ultimo, and the other two were likewise executed yesterday morning, at 10 o'clock, pursuant to their sentence.

The scene was attended by a great concourse of the Asiatic inhabitants of this island, who flocked together from all parts of the country, for the purpose of witnessing it.

But, though the object of this example (which indeed the existing state of society, and the frequent repetition of crimes, rendered absolutely necessary) it was hoped would be realized, and that the dread of it would effectually deter the commission of atrocious and heinous offences, on this island, we are sorry to notice, that during the sittings of the session, and after the first execution had taken place, a most daring attack was made at a dwelling house in the country, a short distance from this town, by a large banditti of robbers supposed to be Chinese, who, after having cruelly murdered four persons, afterwards cutting and disjointing the bodies of the deceased, and wounding several others desperately, and after a fruitless attempt to set the house on fire, escaped with the plunder, which they made, supposed to be property to the value of 3000 Dollars.—No trace has yet been found of the robbers; but an active search, which is making by the Police, will we hope be attended with success, and the delinquents soon be brought to justice.

CAPTAIN COLLIN GIBB.

We have much pleasure in being enabled to communicate to the public, the following detailed account, of the rencontre between the Fleet of China ships from this port, and the French armed brig, Courier, near Pedro Branca. It is given in a letter, from the commander of the Baring, to a gentleman of this city.

"CANTON, *August* 15, 1808

"In my letter from Penang, I told you of my intention to sail in company with the other two opium ships, Admiral Drury and Margaret, all the way to China. When we got to Malacca, I, with the commanders of the above Ships, resolved to wait, and sail in company with four Bombay ships we met there, bound to China; and accordingly, put ourselves under the orders of capt.

Collin Gibb of the ſhip David Scott, who was the commodore of thoſe ſhips; and altho' I was aware of the ſuperiority of the Baring's ſailing, and that conſequently it would be a probable detention of perhaps two or three days, in the paſſage, I thought it no object, compared to her ſafe arrival at the Port in view; nor have I reaſon to regret, for, had I ſailed a ſingle ſhip from Malacca, I ſhould now, more than probable, be at Batavia, or the Iſle of France. We had a very quick paſſage through the ſtraits, and anchored, on the 7th of July, at night, about ſix leagues to the weſtward of Pedro Branca. Juſt as we came to, I ſaw a veſſel at anchor, (about 5 miles to the Eaſtward of us) with my night glaſs, being a fine moon-light night.—I amuſed myſelf with obſerving his motions, and ſaw him get under weigh about midnight, and ſtand out of the ſtraits, which cauſed ſome ſuſpicions in my mind, of his intention. Nothing was ſeen of him, till next day, about ten o'clock, when we obſerved him under eaſy ſail; and at noon, he anchored. At 1 p. m. we all paſſed him within 5 miles, when I ſaw diſtinctly ſhe was an armed brig, mounting 14 guns, her maſts raked very much aft, a long jib-boom, with two jibs and a very large main boom. She was deep waiſted, and painted yellow on the ports, ſtreak fore and aft, taking in the galleries as it went aft, with a white head, her ſtern was painted black; ſhe is very low aft, and high forward, coppered up to the bends. As ſoon as we were all paſt him, and that he had obſerved us well he got underweigh and followed us, evidently with an intention to cut off the rear ſhips, and, were it not for the cool and determined conduct of captain Gibb, I am well convinced he would have ſucceeded in taking at leaſt two of us, if not the whole. No man could have behaved better, or ſhewed more nautical ſkill than captain Gibb did, on this occaſion; and I regret extremely that my pen is unable to beſtow on him the praiſe he merits. The thing ſpeaks for itſelf, when I tell you, that on Gibb's hauling out of the fleet to chaſe this rogue (with the ſignal up for us all to lay to,) he hauled his wind and made off. Gibb chaſed him till ſun ſet, and then joined the fleet, when we made ſail in cloſe order, and ſaw no more of him.

"We arrived at Macao on the 19th of July, at midnight, and landed all the opium in two days. Dirty weather prevented us from making more deſpatch. I have delivered all the cargo, and for further particulars refer you to the agents.

Cal. Nov. 16.] BENJAMIN FERGUSSON.

MADRAS FASHIONABLES.

On Friday Evening Mrs. Oakes entertained a numerous party, consisting of the principal families in the Settlement at a Ball and Supper, which we are informed was equally splendid with any that has been given at this presidency. Beauty, Fashion, and Grace, gave life to the fascinations of the dance, whilst an elegant Supper, at which good-humour & social mirth presided, conspired to give eclat to this Entertainment. Amongst the toasts at the second Supper the following appropriate one was particularly noticed, given by General Macdowall "Health to the Oak this day regenerated, and may the family of the Oaks continue to shine an ornament to their Country, and a terror to its foes." *Dec. 14.*

Sunday last having been CHRISTMAS-DAY, this festival of our Church was ushered in by a royal salute, at sun rise, from the battery of Fort St. George—The Union Flag was displayed, and the European troops of the garrison were entertained, as usual, with old English fare.

An excellent and appropriate discourse was delivered at ST. MARY'S CHURCH by the Rev. E. Vaughan, from Isaiah 9th. verse 6th, and the Holy Sacrament was afterwards administered.—The Church was completely crowded, and two very considerable collections were made, the one in aid of the Church Funds, the other to be applied to charitable purposes. [*Dec.* 31.

On Tuesday night the 13th instant, His Excellency the Commander in Chief left the Presidency on a military tour to the Northward. On this occasion a salute of 17 guns was fired from the saluting battery.

PUBLIC DEPARTMENT,—FORT SAINT GEORGE, *Dec.* 26*th*, 1808.

Notice has been given that the Sub-Treasurer will be supplied with Cash to discharge the Civil Allowances of this Presidency on the 4th, and those of his Highness the Nabob of the Carnatic and his Family on the 6th of January 1809, both in arrears for December.

G. O. BY GOVERNMENT,—25th DEC: 1808.

The Honorable the Governor in Council is pleaced to direct that the batta and other allowances for December and the Pay for January of the Troops at the Presidency and the other stations of the Army shall be issued on the 6th January and on the following days.

GOVERNMENT NOTIFICATIONS.

Fort St. George, December 6, 1808.

NOTICE has been gived that from and after the 1st of January 1809, all Indigo exported from the Territories under the Presidency of Fort St. George, will be charged with the usual duty of six per cent.

PROCLAMATION.

PUBLIC DEPARTMENT.—*Fort St. George, November* 30, 1808.

NOTICE has been given that from and after the 1st day of February 1809 no Bank Notes will be received in payment of Revenue or other demands at any of the Subordinate Treasurers under this Presidency.

MADRAS *December* 20, 1808.

THE Board of Trade having been pleased to order that no Permits shall in future be granted by the Collector of Sea Customs for the exportation of any Piece Goods, manufactured in the Districts dependent on this Presidency, unless the owner or his representatives shall previously produce to him a certificate from the Collector of Land Customs, purporting that the Import Duty has been paid upon them.

Notice is hereby given to all Merchants, and other Persons, who may now have any Piece Goods of the above discription deposited in their Godowns or Warehouses, and which are intended for Exportation from the port of Madras, that the Collector of Land Customs will attend at his Office every day in the week (Sundays excepted) from the hours of nine in the morning until four in the afternoon, to furnish them with the necessary Certificates upon their bringing their Goods to the Land Custom House, and submitting them to the inspection of the proper Officer.

MAJOR GENERAL WAHAB.

On Monday morning, at the Presidency, Major general George Wahab, departed this life, aged about 55 years. His remains were intered yesterday morning in the burial ground of this place, by the Rev. C. Dunsterville. The body was preceded to the grave by the whole of the 2d bat. of the 8th and 2d bat. of the 11th N. I and by the Fort Band, followed by H. M. 30th regt. The Members of Council; the staff of the Presidency, and a great number of other officers, and the private friends of the deceased followed the Coffin, the pall covering which was held by six officers of the staff. His remains were deposited at the end of the Avenue of Trees, and by the side of the Monument which has lately been erected to the Memory of MAJOR GENERAL EDWARD COLLINS. [*Dec.* 31.

Address of the Native Inhabitants, to Lieutenant Colonel JOHN HILLEY SYMONS, late Judge and Magistrate, and Collector at Seringapatam.

HONORED SIR,

We the Native Inhabitants of all casts and religions, residing on the Island of Seringapatam, beg leave to approach you on hearing of your approaching departure, from this place, to express to you, the most unfeigned sentiments of regret, with which the event has inspired us all. At the same time, we cannot suffer you to leave us, without endeavouring to express to you, how very sensible, we are of the great benefits we have derived, during the period of nearly eight years, you have been our Magistrate, from your impartial administration of justice among us, and from the excellent Police, which you have constantly maintained on this Island. We are not ignorant of the trying and delicate circumstances, under which you were placed, when you first came among us, to administer justice and establish a Police; those circumstances required a Magistrate of no common prudence and sagacity. You were sent into the center and to the capital of the kingdom of Mysore, to introduce and cause to be respected, the British system of jurisprudence, in a newly conquered country, and among a people whose former rulers, had not only themselves entertained at all times the greatest aversion to the nation under whose authority and protection, it is now our good fortune to live, but had also endeavoured by all the means in their power, to inculcate into our minds, the same sense of aversion and distrust: particular pains had at all times been taken to prejudice chiefly, the minds of the large population of the spot, in which you were destined to administer justice; but your strict impartiality, your mildness and your conciliatory manners, soon gained all hearts, conciliated all interests, and overcame all the prejudices with which the selfish policy of our former Governors had inspired us; and we soon became sensible of the happiness of living under a Government, which makes no distinction between the powerful and the weak, the rich and the poor, but extends equally its protection to all, by the impartial administration of a justice which insures to every one his individual safety, makes inviolable his property, and guarantees to all, a reasonable civil and religious freedom. We were never before acquainted with the practice of such generous principles of equity, and accustomed from time immemorial to groan under the yoke of oppressive Princes, who fol-

lowed in the government of their subjects, no other rule but their arbitrary will, we were perfectly ignorant to these late times, if any such thing as justice was to be found any where in the world, among the rulers of nations; but you have exemplified by a wise, upright and impartial exercise among us, of the authority which was deligated to you, in this Island, what a former long sad experience had induced us to consider as almost impracticable. That we and our children after us, may always live undisturbed, as long as the sun and moon shall last, under the protection of that just Government, with whose laws and principles you made us acquainted, and on whose existence depend our safety and property is the most earnest wish of our hearts. In the mean while although we entertain not the least doubt, that we shall continue under your successor, the enjoyment of the same blessings you were the first to introduce in this Island, by being the first deligate of the Government, under whose wise laws we make it now our pride, to live, we consider it our indispensable duty, to offer you before your departure, this public testimony of the sincere esteem, respect and gratitude with which your impartial, mild, and paternal exercise of the authority deligated to you, as well as your other public and private virtues have inspired in us all. In whatever country your destiny may lead you shall always be accompanied with our most sincere and most hearty wishes for your future welfare, prosperity and happiness.

Signed by 409 of the principal and most respectable of the inhabitants and delivered by the following persons.

Nowel Kethundaif Soucar—Aney a Seltee—Vesapanah Seltee—Suba Naick Mulleya Seltec—Yoar Runga.—Jengam Multah—Varryah.

Seringapatam, 27th of October 1808.

REPLY.

To the Native Inabitants of all descriptions, on the Island of Seringapatam.

Relieved from my situation, public and private, local ties between us dissolved, when you have nothing to dread from my power nor to hope from my favour, at such a moment, to receive from you an address replete with your approbation, of any general conduct during a period of nearly eight years, affords me the greatest sublunary gratification, I shall ever experience.

It is a source of satisfaction to me, that I have been made the humble instrument for introducing among you, a system of juris-

prudence, which you now so highly prize; your uniform peaceable, and orderly behaviour and firm attachment to the British Government, deserve the benefit you gratefully acknowledge, and I trust the same demeanour, will in future merit its continuance.

I am happy to be able to assure you that my successor possesses every qualification, and equal inclination, to protect your persons and property, and to continue to you, the blessings which you say, you at present enjoy.

To the last hour of my existence, I shall reflect with pleasure on the time I have dedicated to the discharge of my official duties at Seringapatam, and that in doing so, I have in every respect, in your opinions upheld the character of a British magistrate.

With great anxiety for your future welfare,
I remain, Your sincere Well-wisher,
JOHN HILLEY SYMONS, *Lieut. Col.*
SERINGAPATAM, the 27th of *October*, 1808.

Extract of a Letter from Trincomallie, dated the 10th of Dec. 1808.

"The Europe, Lord Castlereagh and Lord Keith arrived this morning, having on board his Majesty's 89th Regiment, from the Passengers on which we understand, that prior to their leaving the Cape, a ship had arrived from Rio Janeiro, with intelligence from Gibraltar, announcing, that the existing Government of Spain had proclaimed Peace with England,—that the Spanish Fleet in Ferrol was in our hands,—that an action had taken place between the French and Spanish Fleets in Cadiz, when the former surrendered after a contest of four hours,—that the English Fleet off Lisbon had been invited by the Inhabitants to enter the River and take possession of the Russian Fleet, but our Admiral declined, fearful of treachery.—That the Spaniards had been joined by an English force, (supposed to be General Spencer's) and had defeated the French in Catalonia.—The Revolt in Spain was general.—At Rio Janeiro a Treaty was concluding between the Government of Brazils and Sir Sydney Smith, by which the whole of South America was to be opened to us.—The Master of the Vessel was directed by Sir Sydney to relate the above circumstance to Lord Caledon."

It is not possible to vouch for the authenticity of the above intelligence to its full extent—no doubt was entertained at the Cape of its being authentic, in most of its particulars, when the Fleet sailed.

CIVIL APPOINTMENTS.

Mr. John Harrison, assistant under the collector of Tinnevelly.

Mr. Hay Clephane, 2d judge of the provincial court of appeal and circuit for the western division.

Mr. T. H. Baber, judge and magistrate of the zillah court of Tellicherry.

Mr. William McTaggart, Sheriff of Madraspatam and its dependancies for the ensuing year.

Mr. T. Townsend, acting Judge and magistrate of the Zillah, of Masulipatam.

SUPREME COURT.

The King, on the Prosecution of Paupiah Braminy, versus ROYA REDDY ROW AND ARUNDA ROW.

This cause which has occupied the time and attention of the Court for several weeks was determined on Friday last—The defendants were indicted for the forgery of a Bond, which purported to have been granted by the late Nabob Omdut ul Omrah, in the year 1798, for 38,500 Pagodas; whereas it was stated in the indictment that it was forged at Madras by the Defendants about five years ago—The Jury returned a Verdict of GUILTY against both prisoners.

On Monday they were brought up to receive Sentence, when Mr. Anstruther on the part of the Prisoners moved for a rule to shew cause why a new trial should not be granted in this case, and was proceeding to state the grounds of his motion, which were that the Verdict was contrary to Evidence and to the direction of the Judge as delivered in his charge to the Jury, when he was interrupted by Mr. Gahagan, who informed the Court that Mr. Marsh who was Counsel for the Crown had been obliged to leave the Presidency on business, but that he attended as his representative in the expectation that the Prisoners Counsel intended only to move an arrest of Judgment, but the motion the Adv. Gen was proceeding in being for a new trial, he requested he would postpone it until the 2d day of next Sessions, it being impossible for him (Mr. Gahagan) to combat the arguments which might be adduced, in as much as he was not acquainted with the voluminous evidence which had been brought forward on this prosecution—Mr. Anstruther having no objection to postpone his motion, provided in the mean time the operation of the Verdict were suspended, and the Court consenting thereto, the further arguing of this case was ordered to stand over until January Sessions. The Prisoners are at large upon bail. [Madras Courier, Dec. 14.

G. O. BY GOVERNMENT.

Fort St. George, December 13, 1808.

The Honorable the Governor in Council is pleased to direct that the following Officers shall be attached to the Military Institution at the Presidency.

Lieutenant E. Stopford, Ensigns R. Marklove, E. Spicer, T. Ball, A. Grierson, R. Allan, B. Christie, G. Heath, R. W. K. Hansard, C. Snell, R. Williams, W. Taylor, E. Macpherson, N. Macleod, C. St. John Grant, R. H. Hodges, W. Allan, M. Clarke, H. W. Poole, H. Moberly, J. W. Taylor, Cornet Raymond Williams,—Ensign Neal Macniel.

Fort St. George, December 5, 1808.

The Honorable the Governor in Council permits captain Young to resign the situation of agent for public cattle; and is pleased to appoint lieutenant Henry Harvey of the 20th regiment Native Infantry to that situation.

December 9, 1808.

In addition to the 2d Paragraph of the General Order of the 10th June last, the Governor in Council directs that the Senior Officers of the corps specified in that Paragraph shall be entitled to draw the full batta of their regimental rank when absent by leave from their corps paying to the next Senior Officer present the difference between the half and full batta of such next Officers regimental rank.

The Governor in Council is pleased to transfer lieutenant Bushby, of the 6th regiment of Native Infanty to the Invalid Establishment in compliance with his request, and on the ground of confirmed indisposition, duly certified.

The Governor in Council is pleased to promote Mr. Henry Carter, cadet of Infantry to the rank of Ensign, date of rank to be determined hereafter.

Lieutenat Colonel Rowles having reported his arrival in Bengal on one of the Honorable Company's Ships destined for this Presidency, and having transmitted to the Adjutant General of the Army of Fort St. George the usual certificate of permission for his return to India, the governor in council is pleased to direct, that lieutenant colonel Rowles be readmitted to his rank on this establishment, from the date of his arrival in Bengal.

The Honorable the Governor in Council is pleased to publish for the information of the army, the following copy of a paragraph which will be inserted in the next General Letter of Fort St. George.

" We have permitted the following Military Officers to return to their rank " on your establishment."

" Lieutenant Colonel Hamilton Hall, lieutenant colonel J. G. Graham, captain " Alexander Grant, and lieutenant Robert Heming."

The Honorable the Court of Directors in the Extract of their General Letter, dated the 2d September 1807—as published in Generl Orders on the 23d February 1808, having assigned specific rank to Mr. T. H. I Hockley cadet for the Artillery or Engineer corps—placing him between Mr. F. Aldwinkle and Mr. C. M'Causland, the honorable the governor in council is pleased to direct him to take rank accordingly; and that the following consequent promotion in the Artillery shall take place.

Senior lieutenant Fireworker T. H. J. Hockley to be lieutenant, vice Moorhouse promoted, date of commission the 28th July 1808.

Lieutenant C. M'Causland thus remains senior lieutenant Fireworker, that part of the General Order of the 19th of August 1808, promoting him to the rank of lieutenant being hereby cancelled.

G. O. FORT WILLIAM,—*November 21, 1808.*

The Gov. General in Council is pleased to make the following promotion:—

1st Regiment Native Cavalry.—Cornet David Reid to be lieutenant, from the 27th October 1808, vice Bureau, deceased.

The Reverend Thomas Thomason, whose appointment to be the Junior Chaplain on this Establishment, and to officiate at the Second Church at Calcutta, was notified in General Orders of the 17th ultimo, having arrived at the Presidency, is admitted to the service, and directed to take charge of his appointment accordingly.

ACCOUNTS FROM CHINA.

Calcutta,—December 10, 1808.

Despatches received at this presidency on Saturday night last, from China, viz Penang, forwarded from the latter place by one of H. M. Ships of War, who brought the dispatches to the Sand Heads; from whence they were conveyed to Kedgeree, by one of the Pilot vessels; state the arrival at China of a British detachment, from Madras; and of the troops having landed at Macoa on the 27th September; and that they had met with a favorable reception from the Portuguese.

Other advices forwarded by the Sulimony, we are informed, mention, that the Chinese had laid an embargo on all vessels laying at China, by affixing their chops; and had interdicted all communication between the ships and the shore.

The Baring and Sulimony, were allowed to depart by special licence.

H. M. Ship Lion, with her Convoy, passed Macoa, all well, on the 28th of September.

According to the last accounts from China, the nominal price of Opium, was 900 Dollars per chest;—the market glutted, and no sale.

BENGAL CIVIL APPOINTMENTS—Nov. 25, 1808.

Mr. W. Loch, register of the Zillah court at Shahabad.

Mr. W. Cracroft, register of the provincial court of appeal and court of circuit for the division of Benares.

Mr. R. B. Gardiner, register of the city court at Patna.

BOMBAY CIVIL APPOINTMENTS:

Charls Watkins, esq. Mint Master and Sub-Treasurer.

John Elphinston, esq, Register to the Sudder Dewanny Adaulet.

Charles Subrick, esq. register to the Court of Session for the division of Tannah.

Robert Edward Stephenson, esq. Clerk to his majesty's justices.

Mr. James Henderson. assistant to the Secretary in the secret Department.

Mr. Theodore Forbers,	Ditto	Ditto	Ditto,
Mr. Babington,	Ditto	Ditto	Ditto,
Mr. John Wedderburn.	Ditto	Ditto	Ditto,

A METEOR.

A meteor of uncommon magnitude and brilliancy, was observed in this neighbourhood, towards the North East, upon Sunday se'nnight, about 3 in the afternoon. It continued in sight for the space of half a minute, and descended rapidly, at an angle of about 75 degrees, towards the horizon, followed by a spiral column of smoke, into which it seemed gradually to resolve itself.

[*Cal. Nov.* 28.

SHIP-WRECK.

On Saturday, intelligence was received in town of the loss of the Brig Catherine, captain Price, of Chittagong, bound with a cargo of Rice from that Port to Columbo. The Catherine was stranded and bilged, in a violent gale of wind upon the 23d ultimo, at the entrance of the river Naaf, 27 leagues S. W. of Chittagong. With the exception of one of the lascars, the whole crew were saved; and when the last accounts came away, they were busily employed in securing all that could be recovered from the wreck. The Catherine is insured in Calcutta for 29,000 Rupees.

[*Cal. Nov.* 16.

CAPTURES FROM THE ENEMY.

Penang, September 24, 1808.

On Tuesday last, arrived in the harbour, the ship Farquhar, captain Frazer Sinclair, from the Eastward, last from Malacca.

The Farquhar brought in with her, the Dutch brigs Fortune, Helder, and Fredda; one of which is a remarkably fine vessel, and a fast sailer.

Captain Sinclair has also detained an Arab ship, which came from Samarang, laden with sugar and tabacco, and brought her to this port.

We are sorry to hear that a ship named the Susannah, of Copenhagen, taken by the Farquhar, on the coast of Java, on the 15th of March last has not been heard of since; she was laden with rice and Japan ware.—There were on board her, the prize-master, Mr. Bethumy Walker, the Danish commander, his clerk, carpenter, and carpenter's mate.—a few slaves, who were promised their liberty, and thirty-three people from the Farquhar.

MADRAS MARRIAGES.

On the 7th of December, Lieutenant Colonel Munro, Quarter Master General of the Army, to Miss Charlotte Blacker, youngest Daughter of the Reverend Doctor Blacker, of Wells, in Somersetshire.

On the 5th instant, at Pondicherry, the Reverend W. Thomas, to Miss Mai Honorine Bayete.

At Pondicherry, on the 13th December, Ernst Wm. Fallofield, esq. to Mrs. Jany Elizabeth Honoria Pernon.

BIRTHS.

At Trichinopoly, on the 7th December, the lady of Lieutenant Jackson, Fort Adjutant of Trichinopoly, of a son.

Recently, at Trichinopoly, the lady of Lieutenant West, of the 1st battalion 18th regiment, of a son.

On the 26th of November, the lady of Captain Pereira, of the 11th regiment N. I. of a son—the following day the child died.

On the 14th December, the lady of James Plunkett, esq of a daughter.

On the 8th December at Barampore, Ganjam, the lady of colonel Berkeley, of a daughter.

At St. Thome, early on Christmas morning, lady Ogilby of a daughter.

At Chinpleput, on the 28th Dec. the lady of W. D. Greaves, esq. of a son

DEATHS.

On the 20th November, at Hullial, after a long and painful illness, which was borne with the most perfect patience and resignation, the Lady of Captain H. Mackintosh, of the first Battalion 8th Regiment N. I. She was a Woman whose natural kindness was only a modification of her natural benevolence, and who will ever be lamented by those who had been long acquainted with her. She has left a small Infant with her widower, to bewail her loss.

At Madras, on Thursday the 29th inst. aged 19, the Lady of Henry Russell, esq. of the Bengal civil establishment, and second daughter of James Henry Casamajor, esq. Member of Council at this Presidency.

If the prayers and sorrow of an afflicted family, the tears and supplications of an affectionate husband, and the anxious wishes of an extensive circle of attached friends, could have prevailed to mitigate the severity of disease, or to avert the dispensations of an Almighty Providence the lamented object of this notice would yet have been spared to cheer and adorn the sphere in which she moved; but in taking to itself so much virtue, innocence, and youth, Heaven has impressively instructed misjudging mortals, that the grave should have no terrors but to the bad, and the paths of death lead the virtuous to everlasting happiness.

On the 26th of December, aged 55 years, Major General Wahab, of the Honorable Company's Army, in which he bore a commission for 40 years.—As a Soldier he uniformly manifested the greatest zeal, energy and alacrity in the discharge of every duty connected with his profession; his general conduct was marked by probity and integrity, his private character by candour, affection and sincerity.

The arduous duties of his profession, and particularly the fatigues to which he was exposed during the memorable campaigns in Mysone under Lord Cornwallis, produced the causes of that complaint which has deprived the army of an honorable and respectable member; his numerous family, of an affectionate parent and Protector.

His remains were interred at Madras on the 27th December 1808.—with the military honours due to his rank.

At Ryacottah, on the 26th of December, after a long and painful illness, the lady of William Light, esq. attorney in the supreme court of judicature.

At Ganjam, on the 22d Nov. Richard Hawkins, late a Bombadier in the 1st Garrison Company, aged 79 years, after a faithful service of 51 years, on the Madras Establishment.

On Saturday night, at St. Thomé, Lieutenant O'Meara of H.M. 33d regiment, of foot,

At Dindigul, on the 9th Instant, aged 19 months the youngest son of Captain P. B. Man of 16th regiment N. I.

At Vizagapatam, Vincentio Corbett, esq. of the hon. company's civil service.

BENGAL MARRIAGES.

On the 18th Nov. Walter Holcombe Robertson, Esq. Assistant Surgeon, to Miss Sophia Eade.

At Fort William, on the 26th November, Lieutenant Broadfield Sissmore, of the 2d battalion 12th regiment N. I. to Miss Caroline Sibley.

On the same day, Lieutenant William Morrison Poole, of H. M. 22d regiment of Foot, to Miss Catharine Wroughton.

On the 4th October Mr. George Egglestone, to Miss Allardice.

BENGAL BIRTHS.

At Dinapore, on the 31st October, the lady of captain Rochfort, H. M. 67th Regt. of Foot, of a daughter.

On the 5th November the lady of lieutenant Nott, of a Son.

On Sunday the 30th October, at Chouringee, the lady of Robert Richardson, esq. of a Son.

On the 21st October, at Allahabad, the lady of captain Charles Sealy of the artillery, of a daughter.

At the house of major Stewart, at Patna, on the 28th October, the lady of G. F. Ricketts, esq. judge and magistrate of Mirzapore, of a son,

At Kirtah, in Bundlekund, on the 29th October, the lady of lieut. George Hunter, 2d battalion 1st native regiment, of a daughter.

Lately, at Barrackpore, the lady of lieut. John Gerard, of a son.

At Ghazeepore, on the 17th October, the lady of captain Noble, 2d native cavalry, of a son.

At Kurmaul, on the 21st October, the lady of lieut. H. D. Showers, of the 9th native regiment, of a son.

On the 18th Nov. the Lady of Captain J. W. Paul M'Gregor, of a Daughter.

In Fort William, on the 19th November, the Lady of Captain Wiggens of a Son.

At Benares, on the 15th Nov. the Lady of R. L. Davies, Esq. Assistant Surgeon of the 1st Battalion 5th Regiment, of a Son.

On the 8th Nov. at Penang, the Lady of Captain Mansell, of H. M.—Regiment, of a Daughter.

On the 30th Nov the lady of B. Saunders, esq. of a daughter.

On the 21st November, Mrs. G. Crump, of a daughter.

On the 26th November, Mrs. Derrick Smith, of a son.

On Friday the 25th November, Mrs. Wood of a daughter.

At Midnapore, on the 27th November, the lady of Captain Playdell, of a son.

On the 9th December, at Dum Dum, the Lady of captain Mitchell, of artillery, of a son.

On the 9th December, Mrs. Lewis, Verdoncel, of a son.

On the 4th December, Mrs. James Rostan, junior, of a daughter.

Lately, the lady of the Reverend F. Carey, of Rangoon, eldest son of the R verend W. Carey, D. D. of a daughter.

At Tipperah, on the 28th Nov, the lady of J. Wemyss, esq. of a daughter

At Cawnpore, on the 25th Nov. the lady of R. Orant, esq. of a daughter.

At Rungpore, on the 22d Nov. the lady of Wm. Terraneau, esq. of a son.

BENGAL DEATHS.

On the 8th November, at the house of captain A. Greene, Chouringee, cap Edward Glover, of H. M. 1st (or Royal) Regiment of Foot.

On the 2d November, at the home of captain C. Graham, of the *William* East Indiaman, Mr. William Tackle, late midshipman on board H. M. ship C *wallis* aged about 17 years.

Thomas Hopkins, Esq. Surgeon to the H. C. ship *Bengal*, fell over board was drowned a few days previous to the arrival of that vessel at Ceylon,

At Cawnpore, on the 26th October, Mr. Thomas Purkins, indigo planter.

At Barrackpore, on the 10th November, Eliza, third daughter of Major mer, of the native infantry.

On the 14th November, Mr. John Parker.

On the 11th November, Mr. W. H. Marshall assista in the adjutant gen office.

At Penang, on the 4th November, captain John Harford. He was form a lieutenant in His Majesty's navy; and latterly commanded the ship Ge Baird, belonging to Bombay.

On the 22d Nov. Mrs. Sophia Greene, Wife of Mr. J. P. Greene, merc aged 25 years.

On the 17th Nov. in the Insane Hospital, Captain J. Phillip Aubery, of 2d Regiment of Native Infantry.

On the 2d December, Mr. Edward Eareth, aged 80 years, a pensioner on charitable fund.

On the 1st December, at the house of B. Saunders, esq. Mr. J. G. Healy of Bankspore.

At Chinsurah, on the 29th November, after a lingering illness of near years, which he bore with great fortitude, Mr. John Melleckfett, an old and pectable Armenian Inhabitant of that Settlement.

Lately, at Rungpore, Charles Radcliffe, esq.

On the 18th November at Purnea, Mr. George Thomas, indigo manufact

On the 9th December, the infant son of the Reverend D. Brown.

On the 8th December, Mr. George Gooding, late of the H. C. Marines.

On Sunday the 4th December, Mr. Samuel Paterson, ship builder;—a wo honest and upright character.—The loss of this valuable member of society most sincerely and deservedly regretted by a large circle of Friends.

On the 25th November, at Hyrampore, near Berhampore, Mr. John Ri Indigo Manufacturer, much regretted.

BOMBAY BIRTHS.

On Saturday the 26th of November, Mrs. Cauty of a daughter.

On Sunday the 4th December, the lady hf Captain Learmouth, of a daugh

BOMBAY DEATHS.

On the 14th December, lieutenant O'Brien, of his Majesty's 55th regimen

On the 4th December, Sir Miguel de Lima e Souza.

END OF THE SEVENTH VOLUME.